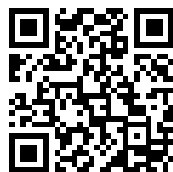

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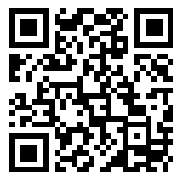
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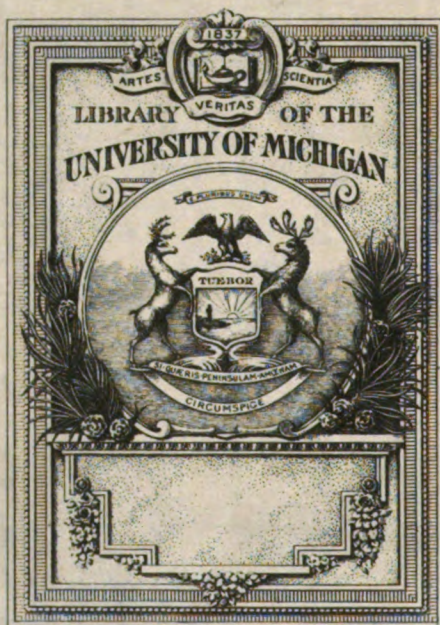
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THE ENGLISH HISTORICAL REVIEW

EDITED BY

G. N. CLARK, M.A.

FELLOW OF ORIEL COLLEGE, OXFORD, AND FORMERLY FELLOW OF ALL SOULS COLLEGE

ASSISTED (*for the January number*) BY

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THE ENGLISH HISTORICAL REVIEW

NO. CLVII.—JANUARY 1925 *

The Dates of Early County Elections

IN the official return of *Names of Members returned to serve in Parliament*¹ the records of elections up to 1406 are, with a very few exceptions, undated. From 1407 to 1478 many of the dates are given; but most of those for the boroughs are missing, as are also many of the returns, both for boroughs and counties. From 1479 to 1544 scarcely any dates are recorded, and several of the parliaments are entirely missing. From 1545 to 1660 there are still many defects, both in names and dates; after 1660 only a few blanks are found in the date column, and the lists of names are practically complete. In reading down the returns for the earlier dated parliaments one is impressed with the regularity of the intervals which occurred between the elections for different counties. This regularity was rudely interrupted by Oliver Cromwell, who seems in this, as in other respects, to have anticipated modern legislation, because we find that in 1654 and 1656 county elections were apparently all held on the same days, 12 July 1654 and 20 August 1656. After the death of Cromwell the regular intervals were with some modifications resumed, continued for over a century, and finally disappeared in 1785.

Among the coincidences, for instance, which we observe, are that the Gloucestershire and Somerset elections for any particular parliament are either just one week earlier than the Dorset election or three weeks later; that the Derbyshire election and the Staffordshire election are either on the same day or at four weeks' interval; and that each of them differs by fourteen days from the Sussex election, which is usually two days later than the date recorded for Devon. Such coincidences suggest that, in addition to the ordinary reckonings by years, months, and weeks, there must have been for certain local purposes a reckoning by intervals of twenty-eight days each. In order

¹ *Parliamentary Papers*, 69, 69 I, 69 II, and 69 III, 1878-91.

2 DATES OF EARLY COUNTY ELECTIONS January

to test this conclusion it will be convenient to take the first twenty-eight days of January 1301 as the standard division or first term in a series of four-weeks divisions. This particular set of days is chosen because it begins a century, it starts from a Sunday, it is not far from the starting-point of parliamentary elections, and it is well within the time when the holding of county courts had become a settled practice. All dates from 1301 onwards can be denoted, according to their positions in their respective divisions, by one or other of the first twenty-eight numerals. Each ordinary year will consist of thirteen divisions and one extra day, each leap year of thirteen divisions and two extra days. It is obvious that in 112 Julian or old-style years the extra days will amount to five four-weeks divisions, and so the year 1413 and the year 1525 will be starting-points for new cycles of 1,461 divisions each. The days in February 1411, 1433, 1456 (omitting the last), or 1478, can also be used as standards for these computations.

As an example of this proposed reduction of dates to four-weeks numbers we take the first election date given in the official return, that of 16 October 1318 for London. 15 October 1318 differs from 1 January 1301 by an exact multiple (232) of twenty-eight days, and therefore begins a division. Hence the four-weeks number for this election is 2. But we are not considering London or the other towns in our argument, and our remaining examples shall be taken from county elections.

Only eleven of these earlier than 1407 are dated, and they refer to five counties. The four-weeks numbers have been calculated and can easily be verified.

<i>County.</i>	<i>Date.</i>	<i>Four-weeks Number.</i>
Rutland . . .	8 April 1322	12. Thursday.
Rutland . . .	21 October 1322	12. Thursday.
Wiltshire . . .	2 November 1322	24. Tuesday.
Rutland . . .	22 February 1330	5. Thursday.
Rutland . . .	23 March 1340	19. Thursday.
Lancashire . . .	9 September 1346	28. Saturday.
Gloucestershire . . .	3 January 1351	9. Monday.
Gloucestershire . . .	21 April 1354	9. Monday.
Gloucestershire . . .	30 April 1369	9. Monday.
Northamptonshire . . .	12 October 1391	5. Thursday.
Gloucestershire . . .	5 January 1395	10. Tuesday.

Wiltshire, Lancashire, and Northamptonshire each yield one record only; Rutland four records, which agree in the week-day but differ in the week; Gloucestershire four, of which one is one day later than the other three. It will be found that seven of the eleven agree with fifteenth-century results; the fourth

Gloucestershire record, the third and fourth Rutland records, and the Lancashire record serve to illustrate three types of discrepancy, the 'one-day' type, the 'one-week' type, and the 'anomalous' type.

Between 1407 and 1785 there are over three thousand dated returns available, and it will not be possible to go minutely into the details for any one parliament or any one county. The investigation seems to resolve itself into separate studies of three fairly well-defined periods :

I. The fourteenth and fifteenth centuries as far as 1485. With the eleven returns just given, and 1,096 for the fifteenth century, we get a total of 1,107. No dated returns have been found for the elections between 1480 and 1530, though in two instances (1491 and 1529) lists of the members elected have been preserved. It is therefore, apart from the dynastic consideration, convenient to end the period at 1485.

II. The sixteenth and seventeenth centuries as far as 1696. This period covers the parliaments of the Tudors and Stuarts, and the first seven years of William III. There are 1,099 returns to consider, including by-elections. An act of parliament (7 & 8 William III, c. 25), to which we shall refer later, made some alterations in the holding of county elections, and the date of its becoming effective, 25 March 1696, is the most suitable one on which to terminate this period.

III. The eighteenth century from 1696 to 1785. The 1,076 returns in this period show an increasing proportion of by-elections. We shall have occasion to describe various enactments which affected the regularity of the dates. That regularity was finally destroyed by an act (25 George III, c. 84) which came into force on 1 August 1785.

Only thirty-seven English counties appear in the returns of the first period. Of the remaining three, Monmouth was enfranchized in 1536 and Cheshire in 1543. Durham, though it sent representatives to Oliver Cromwell's parliaments, did not obtain permanent representation till 1673. The dated returns found within the period comprise complete sets for six parliaments (the second of 1414, and those of 1431, 1432, 1435, 1447, and 1478), incomplete sets for about thirty others, an isolated example for Norfolk in 1445, a by-election for Huntingdon in 1429, and the eleven fourteenth-century returns already given. The returns are distributed fairly evenly among the thirty-seven counties, the largest number of records preserved for one county being thirty-four for Derbyshire, and the smallest number, twenty-three for Suffolk. When we have reduced each date to its four-classes number, we are able to divide the counties into four weeks according to the regularity of their four-weeks numbers.

4 DATES OF EARLY COUNTY ELECTIONS January

A. Twenty-one counties yield the same four-weeks number in nearly all cases. Their names, with the number, are :

Berkshire, 18.	Gloucestershire, 9.	Staffordshire, 5.
Cambridgeshire, 19.	Leicestershire, 26.	Suffolk, 9.
Cornwall, 2.	Norfolk, 2.	Surrey, 11.
Derbyshire, 5.	Nottinghamshire, 2.	Sussex, 19.
Devon, 17.	Oxfordshire, 5.	Warwickshire, 2.
Dorset, 16.	Shropshire, 26.	Wiltshire, 24.
Essex, 10.	Somerset, 9.	Worcestershire, 25.

The least regular of these is Gloucestershire, which shows five variations in thirty returns. Cambridgeshire, Dorset, Leicestershire, and Wiltshire, on the other hand, are uniform throughout.

B. Nine counties show one change of phase each. Up to a certain date one four-weeks number is found fairly regularly, and after that date another. Hampshire changes in 1422 from 2 to 23. The others are :

	<i>Four-weeks Number.</i> <i>Before.</i>	<i>Date of</i> <i>Change.</i>	<i>Four-weeks Number.</i> <i>After.</i>
Bedfordshire . . .	16	c. 1461	2
Buckinghamshire . .	11	„	25
Herefordshire . . .	7	„	21
Kent	16	„	2
Middlesex	19	„	5
Northamptonshire . .	5	„	26
Hertfordshire . . .	26	c. 1471	5
Huntingdonshire . . .	28	„	21

No reason so far has been discovered for the change of phase in Hampshire, which occurred just about the time of Henry V's death. The other eight changes coincide with two critical stages in the Wars of the Roses, during which actual fighting took place in several of the counties involved (e. g. at Northampton, Mortimer's Cross, and Barnet). Seven of these eight counties are close to London, Herefordshire being the exception.

C. Three counties yield the same four-weeks number in most cases, but the proportion of agreements is less than 80 per cent. These are Cumberland, 10, and Westmorland, 12, whose irregularities may have been due partly to their distance from the seat of government and partly to Border raids; and Rutland, 12, which, being a very small county, probably conducted its affairs with less formality than most others.

D. Four counties oscillate between two four-weeks numbers differing in each case by fourteen. A detailed examination of the intervals between successive elections shows that all four are regulated by a six-weeks rule. Starting as before from the beginning of 1301, and taking six-weeks divisions, we find a curious correspondence with the three classes already described.

(a) Yorkshire yields the same six-weeks number, 16, in nearly every instance. In 1426 the election was held twenty-eight days earlier than the regular day, and in 1429 fourteen days earlier. In both cases the variations were necessary to enable the election to be held in time for the opening of parliament. These variations were only temporary, and did not lead to changes of phase. In its regular adhesion to the same number Yorkshire resembles the counties of Class A.

(b) Lincolnshire changes from 30 to 16 in 1422; the alteration was due, like those in Yorkshire, to the shortness of the interval available for holding the election, but, unlike those in Yorkshire, it led to a permanent change of phase. Lincolnshire, both in its change of phase and in its regularity before and after the change, resembles Hampshire and the other counties of Class B.

(c) Lancashire, 23, and Northumberland, 12, both show a substantial proportion of irregularities, especially in the parliaments before 1429. In this they resemble Cumberland and Westmorland, and probably their irregularities are due to the same reasons.

The six-weeks rule in connexion with Yorkshire is mentioned by Stubbs.¹ He cites a portion of the indenture for 1411, in which the words 'de sex septimanis ad sex septimanas' occur. But the fact that the same rule applied to Lancashire, Lincolnshire, and Northumberland seems hitherto to have escaped notice.

We can now venture upon an analysis of the whole of the results for this period. Besides the changes of phase, which were permanent variations generally due to events of importance in the local affairs of the county, there were other temporary variations which might be regarded as consisting of three types, those of one or two days, those of seven days or multiples of seven, and others which appear to follow no rule. We can regard each four-weeks number of the counties in Class B as regular for the duration of its phase.

	Agreements.	Variations.			Total.
		One or Two Days.	One, Two, or Three Weeks.	Anomalous.	
Class A	599	13	17	9	638
Class B	245	5	9	3	262
Class C	62	2	23	5	92
Class D (a)	27	1	2	0	30
Class D (b)	27	1	1	0	29
Class D (c)	37	1	5	13	56
	997	23	57	30	1,107

The first thing that we observe about the variations is that

¹ *Const. Hist.* iii. 411.

all the changes of phase in the fifteenth century, and 57 out of the 110 temporary changes, while changing the week, preserve the week-day. Apparently each county had its favourite week-day. Monday was the day for fourteen counties, those with the four-weeks numbers 2, 9, 16, and 23, also those with the six-weeks numbers 16, 23, and 30. Thursday was the day for thirteen others, those with the four-weeks numbers 5, 12, 19, and 26, also for Northumberland, which had the six-weeks number 12. Tuesday and Wednesday were each preferred by four counties, and Saturday was chosen by two. Friday, like Sunday, was inconvenient for ecclesiastical reasons, and was apparently not chosen in the first instance by any county as its day. This exclusion, however, did not apply to annual church festivals, when any of these coincided with the end of a regular four-weeks interval. Thus in 1431 the elections for Bedford, Dorset, Kent, Lincoln, and Yorkshire were all held on Christmas Day; and in 1467 the elections for Hertfordshire and Leicestershire were held on Ascension Day.

The temporary variations of one week or two weeks were probably due, as in the Yorkshire cases already cited, to special circumstances which made it necessary to hasten or postpone the election. Some local calamity, such as a fire, a storm, a riot, or a raid, might bring about the postponement; or the summoning of a parliament on short notice might compel haste, especially in counties several days' journey from London.

But there is another explanation for some of the variations, and especially for those of one or two days. The sheriff did not always date his return correctly; a person in our own time who observes a wrong date on a letter will realize how common such a mistake must have been before the days of almanacs and newspapers. Several instances of wrong dating are mentioned in the foot-notes to the *Parliamentary Paper* 69. Then the transcriber did not always decipher accurately a blurred or partly illegible return. One instance may be mentioned which illustrates both these points. The Devon election of 1436 was dated 'Tuesday, 28 December'. Now 28 December in that year was a Friday, and we know that a person will make a mistake in the month-day far more often than he will in the week-day. The correct Devon day in that month was Tuesday, 18 December. The writer of the record made one mark too many (xxviii for xviii) and the transcriber failed to notice it. Days which work out as Fridays or Sundays are particularly suspicious. Thus in the 1447 return we find, on reduction to four-weeks numbers, 8 for Somerset and 6 for Staffordshire. Clearly these are one-day errors. Probably most of the one-day and two-day variations, and a few of the anomalous type, are due to errors of record or

transcription, and the proportion of agreements is consequently higher than appears from the statistics already given.

We infer then that during the fifteenth century (i) the dates of elections in thirty-three counties were governed by a four-weeks rule ; (ii) in the other four counties, all in the north, they were governed by a six-weeks rule ; (iii) changes of phase, when they took place, involved no alteration in the week-day ; (iv) temporary variations, in a majority of cases, also preserved the week-day ; (v) the most consistent results are to be found in the southern, eastern, and midland counties, the least consistent in the north and in Rutland ; and (vi) elections held during a time of commotion and strife, or when the notice was short, show the largest proportion of variations. We have also seen (vii) that the eleven dated records preserved from the fourteenth century are consistent with what we have learnt about the fifteenth.

These statistics and inferences have a bearing on the meetings of the medieval county courts. In Stubbs's *Constitutional History*¹ there are references to the method of holding county elections, and particularly to the statute (7 Henry IV, c. 15) passed in 1406, the year from which we find regular dated returns. 'The great charter had prescribed for the holding of the *commune consilium* a summons, to be issued at least forty days before the day of the meeting.'² Most of the medieval parliaments had longer notice than this, some of them very much longer, and a few had shorter ; the average was about fifty-five days. 'The writ was returnable, as we have seen, in about forty days, and the election was to be made in the county court ; and this is nearly all that can be affirmed certainly of the early elections.'³ The act of 1406 'orders that proceedings shall begin in the first county court holden after the receipt of the writ, and that the election shall be made in full county court by the persons present, specifying further the form of the return'.⁴ Stubbs goes on to say : 'As the proceedings are to begin in the first county court held within the forty days that elapse before the return of the writ, it is obvious that the court in question must be the court held every month or every three weeks by the sheriff, and not the sheriff's tourn which was held twice a year.'

That the county courts were held once a month is true only if we define a month as meaning twenty-eight days, so that there were at least thirteen courts in each year. An ordinance of Edward the Elder, proclaimed at the Witan held in Exeter about 924, decreed that each reeve should hold a gemot always once in four weeks ('a ymbe feower wucan'), and Edgar's Ordinance of the Hundred decreed that it should meet always

¹ iii. 403-15.

² p. 403.

³ p. 381.

⁴ p. 404.

within four weeks. Thus the four-weeks division was customary in West Saxon law, but in the pre-Conquest days seems to have applied to the lesser local courts. In the 1217 edition of the Great Charter, the forty-second article orders the county court to be held monthly, except that where the customary interval is longer it is to be preserved. It is obvious that the legislators on this occasion had in their minds the twenty-eight days term, and not the calendar month of thirty or thirty-one days, according to which the statutory meetings of local bodies are regulated in modern times. Here we have possibly a reference to the four northern counties which held courts at intervals of six weeks.

It would be a mistake to suppose, as some writers appear to have done, that only forty days or about forty days were allowed for the journey of the messenger conveying the writ to the sheriff, the holding of the election by the latter, and the journey of the chosen members to the place of meeting. As some of the northern counties were at least eight days' journey from London, and as the receipt of the writ by the sheriff just after the rising of a court involved a wait of twenty-eight days, it is obvious that an interval of forty-four days might be needed to ensure the holding of an election on the usual day in some of the four-weeks counties, and that a still greater interval might be necessary in any of the six-weeks counties. As a matter of fact the majority of the intervals in the medieval period exceeded fifty days.

The application of the four-weeks rule to county courts of the fourteenth century has received confirmation for three counties, Berkshire, Cornwall, and Oxfordshire, by the discovery in the Public Record Office of three Plea Rolls, one belonging to each of those counties. An account of these is given by Mr. Hilary Jenkinson.¹ The Cornwall roll (Court Rolls 161/74) contains entries of proceedings at various county and hundred courts between July and September 1333, the dates of the county courts being 5 July, 2 August, 30 August, and 27 September. All these have the four-weeks number 2. The Berkshire roll (Court Rolls 135/62) reports eleven county courts, beginning with 11 November 1377, and proceeding by regular intervals of four weeks to 18 August 1378, the four-weeks number being 18. The Oxfordshire roll (Chancery Misc. 37/19) is a fragment in which only two dates of courts, 21 January and 13 May 1378, have been preserved, and the four-weeks number for both is 5. In all the seventeen instances the four-weeks number is the same as that calculated from fifteenth-century election returns.

Ten pairs of counties had the same sheriff in medieval times. Seven of these pairs, Berkshire and Oxfordshire, Derbyshire and Nottinghamshire, Dorset and Somerset, Leicestershire and

¹ *Camb. Hist. Journal*, i. 103-7.

Warwickshire, Norfolk and Suffolk, Shropshire and Staffordshire, and Surrey and Sussex, appear in Class A. Bedfordshire and Buckinghamshire are together in Class B, and the remaining pairs, Cambridgeshire and Huntingdonshire and Essex and Hertfordshire, are in different classes. As might be expected, the four-weeks number is never the same for each of a pair, the difference of dates averaging about seven days.

A brief account of the elections between 1485 and 1785 is necessary to supplement what has been said about medieval election dates. Monmouth, Cheshire, and Durham are now included in the returns, and all three seem to be governed by a four-weeks rule ; the less frequent occurrence of general elections is to some extent compensated for by intervening by-elections, whose dates show a high proportion of conformity with the numerical rules.

We get no information for our purpose from the reign of Henry VII, and very little from the reigns of Henry VIII and Edward VI. Only 104 dated returns of these reigns have been preserved, and over 600 are wanting. Many changes of phase appear to have occurred during the missing years. Two of these call for notice, as they involve changes of week-day : Berkshire from Wednesday, 18, to Monday, 23, and Oxfordshire from Thursday, 5, to Tuesday, 24. In 1603 Oxfordshire changed again to Wednesday, 25, and Gloucestershire changed from Monday, 23, to Wednesday, 25. At later dates in the seventeenth century Lancashire and Nottinghamshire altered from Monday to Tuesday, and Herefordshire from Saturday to Thursday. The four last-named alterations were probably due to sabbatarian influence. The four counties in the north which were regulated in the fifteenth century by a six-weeks rule seem to have adopted the four-weeks rule not later than 1553 ; there is some reason to believe that up to that date the six-weeks rule was in force, but the evidence for this statement is quite insufficient, as only eleven returns are available and none of those are for Northumberland.

The dates down to 1649 are not less regular than those of the fifteenth century. There were Christmas Day elections for Cornwall, Lancashire, Warwickshire, and Yorkshire in 1620. The variations show very much the same peculiarities, but there are more permanent changes of phase, and fewer temporary changes of week-days. Among the one-day and two-day variations there are apparently several errors of record, as five Sundays occur ; but after the Reformation no inference can be drawn from the occurrence of Fridays, of which there are six. There are probably a few errors of transcription, many of the returns being in a bad state of preservation and very difficult to decipher.

A contested by-election for Staffordshire took place on 13 and 14 August 1646.¹ The poll was declared on 15 August, but 13 August, the actual county court day, is given in the return. In connexion with polls for Middlesex on 4 and 5 September 1679, and for Bedfordshire on 9 and 10 March 1685, both dates are given; the former was the usual court day in each case. In later contests it is not always possible to say whether the date on the return referred to the opening or the closing of the poll.

We omit from our reckoning the Little or 'Barebone's' Parliament, whose members were nominated by a council of officers; and the two parliaments of Oliver Cromwell, which were elected under the Instrument of Government, in a different manner from all previous parliaments. We also omit the convention of 1689, which was summoned by printed writs from the prince of Orange, addressed for each county to the coroners, or failing them to the clerk of the peace; presumably because the sheriffs were partisans of King James. This assembly was hastily elected, only five days' notice being given to the counties, and three days to the other constituencies.² We include, however, the 1689 by-elections, which may have been held in the usual manner.

The returns between 1659 and 1696 display an increasing irregularity of dates, particularly from 1679 onwards, and these irregularities appear to synchronize with the growth of party strife. They were very marked in the elections of 1690 and 1695, and suggest that some of those elections were 'managed' by the sheriffs. After the latter election various measures were proposed to ensure more orderly and becoming methods. One which passed into law, 7 & 8 William III, c. 25, contains three clauses of importance to our investigation. Section ii ordered that there should be forty days between the teste and the return of the writ; this was a re-enactment of an earlier law which had not always been observed. Section iii ordered that the election should be held at the next county court after the receipt of the writ, unless the same happened to be held within seven days; in the latter case the court might be adjourned to a convenient day, of which ten days' notice was to be given. The second part of the clause was new, and practically meant that only writs received from seven to twenty-seven days before an ordinary court could be dealt with there; the others usually involved the summoning of a special court; hence on the average one-fourth of the election dates from that time were likely to vary from the four-weeks rule. Section ix recited that the county court of Yorkshire was by custom held upon Mondays, which had 'long been complained

¹ Wedgwood, *Parl. Hist. of Staffordshire*, ii. 67-8.

² Parry, *Parl.*, p. 601.

of to be a very inconvenient day to all the suitors thereunto', who at elections and other times were 'forced to travel upon Sundays to their attendance there, to their very great dissatisfaction and grievance'. It was therefore enacted that after 25 March 1696 all county courts heretofore held upon a Monday should be held upon a Wednesday and not otherwise. This order affected fourteen counties; of the fourteen original Monday counties Gloucestershire, Lancashire, and Nottinghamshire had already made changes, and three other counties, Berkshire, Cheshire, and Durham, had joined the Monday list. The most significant thing in the clause is the statement in the recital showing that each county had a customary week-day, and that in most cases hitherto this custom had overruled the objection to Sunday travelling. With the abolition of Monday courts and the sanction of special courts to avoid the holding of elections without sufficient notice our second period terminates. It yields 1,099 dated returns: 969 of them apparently reducible to rule, and 130 variations, of which 29 are in the last seven years.

The eighty-nine years from 1696 to 1785 contain a large number of irregular dates. In most of the counties the variations are chiefly due to section iii of the 1696 act, but in Cumberland and Rutland there is practically no regularity. Two enactments affecting these dates were passed to amend the 1696 act. The first, in 1733 (6 George II, c. 23), forbade county courts to be held on Monday, Friday, or Saturday, with a proviso that day-to-day adjournments for the purpose of a poll to any of these week-days should be allowed. This was intended to compel the holding on a convenient day of the adjourned meeting under section iii of the 1696 act. A second act in 1745 (18 George II, c. 18) prohibited a sheriff from adjourning a court for longer than sixteen days, and removed the prohibition of Monday, Friday, and Saturday courts. This last act increased the proportion of irregular dates, because under previous conditions it was sometimes possible for a sheriff to order a four-weeks adjournment. Forty years later came the end of elections at county courts. By the act which came into force on 1 August 1785 it was ordered that within two days of the receipt of the writ, proclamation should be made, and the election should begin between the tenth and sixteenth day of the proclamation. A special county court was to be held for the purpose of such election only, on any day except Sunday. The usual county court for all other purposes was to be held under the same conditions as if no writ had been received. From that time onwards the dates of returns are those of the special courts, which bear no particular relation to the ordinary county days.

The number of dates (almost a complete record) comprised

within the third period is 1,076, of which about 315 are variations. Our total for the five centuries is 3,282, of which 2,727 may be described as agreements, and 555 as variations. Of course in these reckonings changes of phase are counted as regular, when each phase persisted for a substantial number of years. Thus Leicestershire has the four-weeks number 26 from 1407 to 1705 and 5 from 1705 to 1784; Cornwall has 2 from 1411 to 1696 and 4 from 1696 to 1784; Essex has 10 from 1407 to 1485, 24 from 1545 to 1747, and 17 from 1747 to 1784. One county, Devon, has the same number, 17, from 1410 to 1784, and it occurs in seventy-five returns out of eighty-five, six of the ten variations taking place after 1696.

Much more research is possible; we have still the boroughs and the Welsh constituencies. Also an investigation of the circumstances which caused changes of phase and temporary variations in any particular county might bring to light interesting facts in connexion with its local history. The drudgery of reducing to tabular numbers more than 3,300 dates seems to have established beyond reasonable doubt the regularity of county court and county election dates over nearly the whole of England during at least four, and possibly five, centuries of parliamentary history.

J. J. ALEXANDER.

Thwert-ut-nay and the Custom of 'Thwertnic' in Cheshire

READERS of the chapter on pleading and proof in *The History of English Law before the Time of Edward I* are given a sketch of the curious defence by *thwert-ut-nay*. We are there told¹ that 'in the past' a defendant who wished to deny the plaintiff's allegations was bound to 'defend' the charge word by word with painful accuracy, but later, by the end of the thirteenth century, he was allowed to adopt a more general, but still formal, lengthy and technical form of defence, preceded (as we understand the writers) by a flat negation. In support of this we are given an extract from the records of the borough of Leicester² to show that in 1277 a defendant was treated as undefended unless, before he said anything in reply to the charge, he uttered the word *thwert-ut-nay*, equivalent to a downright NO, as the indispensable preliminary to any further answer which he wished to make. The writers come to the conclusion³ that in Bracton's day the background of the law of pleading was still that a defendant must take his stand upon a downright NO; and that when the *exceptio* as a plea in bar was developed, it was always, or almost always, preceded by a *thwert-ut-nay*.⁴ We do not seek to dispute the view taken of the historical development of pleading, but the evidence quoted by the writers for this general use of the word *thwert-ut-nay* is not very convincing. Besides (1) the Leicester case, their only other references to records are (2) that the Scots *Leges Quatuor Burgorum* state that in defending 'wrong and unlaw', a *twertnay* is used, and (3) that the earl of Chester had by charter conceded to his tenants that if any of them were impleaded by the earl's officers, without a suit, 'per twertnic se defendere poterit'. We think we can show that not one of the three instances is in itself an authority for a general practice of preceding the defence by a *thwert-ut-nay*; and we shall endeavour also to illustrate the practical operation of this defence in a different light, mainly

¹ 2nd ed. (1911), pp. 607-15.

² Bateson, *Records of the Borough of Leicester*, i. 156, 158.

³ *Op. cit.*, p. 611.

⁴ *Ibid.*, p. 615.

from the thirteenth-century records of the county palatine of Chester, and to show that, there at any rate, and probably elsewhere, far from being an indispensable preliminary to a more detailed defence, a denial by *thwertnic* was not available as a matter of course but only as a privilege and only under certain circumstances.

The *Oxford English Dictionary* explains *thwert-nay* and *thwert-nik* as a traversing or directly contradicting 'nay' or 'nik', and also as the right or liberty to give such a direct denial. We are told that under the influence of the adverb *thwert-ut* (meaning thoroughly, completely¹) the form *thwert-ut-nay* is supposed to have arisen, also that the verb *nick* means 'to deny' or 'to answer with a "nay"', and several examples are given of the expression 'to nick one with a nay'.

The Magna Carta of Cheshire, c. 1215-16, though printed by both Leycester and Ormerod, has attracted little notice. A more satisfactory text had recently appeared.² This important charter of liberties, given to his 'barons' by Randle III earl of Chester, besides (with many other privileges) granting them their courts save for pleas of the earl's sword and the right to defend their manors in the county and hundred courts by a steward, contained the following clause: 'Si vicecomes meus aut aliquis serviens in curia mea aliquem hominem suorum inculpaverit, per *thwertnic*³ se defendere poterit, propter sirevstuth quod reddunt, nisi secta eum sequatur.' From this it appears that when any of the 'barons' men was impleaded by the sheriff or his officers in the earl's court, he was to be allowed the privilege of defending himself by a *thwertnic*, unless a 'suit' of witnesses prosecuted him. This privilege of *thwertnic* was apparently granted to the 'barons' in return for a payment of 'stuth' to the sheriff. As regards this, we may note that in 1349-50 and 1350-1, the sheriff of Cheshire accounts at the exchequer there for £5 0s. 4½d. in respect of a customary rent payable by five of the hundreds and called 'shirrevesteth'.⁴ A few years before these dates the custom of *thwertnic* had been abolished, as we shall see. But there were varieties of 'stuth' and more than one item may well have been included in the original payment, and that part of the sheriff's 'stuth' which represented the money paid for the *thwertnic* privilege may have been dropped as the sum payable in 1349-50, &c., seems small,

¹ The ancient oath used in the marches by the accused for denying a charge of theft was that he was 'thwart-out sackless', absolutely innocent (Hutchinson, *Cumberland*, i. 24). Miss Bateson noted this, *Borough Customs* (Selden Soc.), i. 163.

² Tait, *Chartulary of Chester Abbey* (Chetham Soc.), p. 103.

³ Maitland (*op. cit.*), p. 609 n., thought the last letter should rightly be an 'e', but in the Cheshire documents the word always ends in 'o' or 'k'.

⁴ Chamberlains' Accounts, *Rec. Soc. Lancs. and Ches.* lix, pp. 133, 171.

or the payment may have gone on in ignorance of its origin and object. Similar ignorance probably accounted for a statement, treated by Maitland¹ and others² as a fable so far as it purports to give the origin of 'cornage', made by jurors in a Northumberland case of 1278. They said that £50, part of certain annual payments made to the king by the suitors of (apparently) the county or the hundred for the remission of some royal rights, was paid for acquittance of the following custom, namely that if a man was impleaded and did not 'defend' the plaint word for word he was at once to be convicted. Even if our authorities are right in pillorying these jurors for not distinguishing this payment to the king from the (still obscure) render of 'cornage', there seems no cause to go further and charge them with inventing the reason why the £50 or some of it was paid. We think the suitors of Northumberland and the 'barons' of Cheshire were paying money for the same privilege, that of defending themselves by *thwertnic*, instead of by a word for word denial.

Turning now to the general effect of the Cheshire clause, the natural conclusion to be drawn from its insertion in the charter of liberties is that a 'baron's' man charged in the earl's court had not previously to 1215-16 been able to make use of this simple and natural form of denial, but had to embark upon a detailed and verbally accurate traverse of the charge against him even when he wished to claim his 'baron's' court. The difficulty of doing this correctly and in a technical manner must often have proved too heavy a task, with the result that the person charged made a slip whereby he was treated as undefended and dealt with in the earl's court accordingly. Not only would this follow, but the baronial tenant would lose the benefit of being claimed for his lord's court, and lastly, and more important than all, the lord would lose his profits of jurisdiction to the earl. That this was probably the 'mischief' which the 'barons' wished to remedy is strongly supported by a statement which comes from a Scottish source, but which probably represents a general rule of pleading in England of an early date adapted to later Scottish conditions. We are told that a man who was charged before the king's justiciar or other officer could claim remission to his lord's court if the lord or his bailiff supported the claim in due time, but that if the man charged inadvertently gave utterance to a *thwertnay* of the whole charge, he was treated as having made a full defence to the royal court, and so the right of remission to the court of the lord was lost. If the charge was remitted to the lord's court, his bailiff had to give security by sureties, that the accuser would obtain full justice there if

¹ *Northumbrian Tenures*, in *Collected Papers*, ii. 106, and *ante*, v. 631.

² e. g. Miss Reid, 'Barony and Thanage', *ante*, xxxv. 184, n. 6.

he wished to carry the matter through in the lord's court against the accused.¹ In the 'Quoniam Attachiamenta aliter Leges Baronum',² probably of late thirteenth-century date, we find it stated that if a defendant who wishes to claim his lord's court 'dederit plenum responsum parti conquerenti negando precise totum clameum suum, tunc stabit ibidem usque ad finem placiti'. A full answer denying the charge precisely (i. e. with a *thwertnay*) prevents remission to the lord's court. In a Scottish treatise on barons' courts the passage above is translated 'gif the defender denyes the action utterly to the partie challengand him, he sall abide there . . . until the mute be ended'. Skene's side-note is 'Denyall of the clame or litiscontestation stops replegiation'.³ Again, the *Leges Quatuor Burgorum* tell us that if a burgess cited in the king's court comes and gives a full answer without mentioning his liberty or his lord's fee, he must remain and do right in that court.⁴ It is evident that in Cheshire before 1215-16 there had been some complaints on the necessity for the accused denying a charge word for word, and objection had been raised by the 'barons' to losing their jurisdiction through a verbal slip being fatal. It was therefore a considerable advantage to all parties to obtain the right for a baronial tenant to go free in the earl's court by uttering a simple and compendious traverse of the whole charge by a *thwertnic* and no more, coupled with a supported claim for remission to the 'baron's liberty'.

We have not so far referred to the final words of the Cheshire clause, *nisi secta eum sequatur*. It might be thought that these meant that the *thwertnic* defence was not available if the sheriff or prosecution had his 'suit' of witnesses ready in the earl's court to prove the charge by whatever oath the court required. The necessity for the production at a trial of 'suit' as opposed to the *nude parole* of the prosecutor need not detain us except to point to clause 38 of Magna Carta, which, shortly before this Cheshire charter, had laid down that officials must not upon their own unsupported complaint put any one to his 'law' without the production of credible witnesses. But we do not think the words *nisi secta eum sequatur* refer to the production of 'suit' in the earl's court. If a man could not be claimed

¹ *Collecta*, in app. v, *Acts of Parl. of Scotland* (1844), i. 371: 'Si quis fuerit placitatus coram iusticiario domini regis vel alio balliuo, si dominus eius vel eius balliuus venerit et allegauerit in debita hora, potest recuperare curiam domini sui, sed si per negligenciam suam responderit et dixerit *thwertnay* de omnibus sibi oppositis, plene respondit et sic amittet curiam domini sui. Et si curiam domini sui recuperet balliuus domini sui in illa curia intrabit culrehath (=culrach) quod aduersarius suus habebit plenum ius et plenam legem ab eo in curia domini sui si eum prosequi voluerit.' For *culrach* see *Oxford Eng. Dict.*

² *Acts of Parl. of Scotland*, vol. i, app. ii, p. 284, no. 4.

³ Skene, *Regiam Majestatem*, &c., 2nd ed., 1744, p. 202; see also p. 146.

⁴ *Acts of Parl. of Scotland*, i. 31, no. 56.

for his lord's jurisdiction whenever the *secta* was ready in the superior court, the baronial jurisdiction would be reduced to a negligible quantity. We do not think there would be any trial at all in the earl's court if a *thwertnic* were properly pleaded, and we think that the meaning of the clause is that the 'baron's' man on saying *thwertnic* was remitted to his lord's jurisdiction and would be quit of the charge unless a 'suit' of witnesses prosecuted him in the baronial court. The Scottish statement¹ that when a man was remitted to his lord's court security had to be given that justice would be done to the adversary there '*si eum prosequi voluerit*' seems to support this view.

We think we have now shown that under ordinary thirteenth-century rules of pleading the use of a *thwert-ut-nay* by way of defence prevented a man being remitted to his lord's court; that this rule prevailed in Cheshire until 1215-16, when the 'barons' paid for its relaxation; and that a similar payment for the same thing was probably being made in Northumberland in 1278. We shall also find that in Cheshire the plea by *thwertnic* was not available for non-baronial men without payment. The view that a *thwert-ut-nay* was an indispensable preliminary to a pleading seems somewhat shaken, but we have yet to consider the Leicester case which appears to be Maitland's main authority and might be thought to support his view. We do not think so. A charter to the borough of Leicester, dated 1277, recites that it had been customary theretofore that when the parties ought to plead and the plaintiff had done so, if the defendant, before he said anything in reply to the charge, did not say *thwert-ut-nay*, he was held to be undefended, that is, 'swarless',² and he was not allowed to plead, or to take advice, or to have some one who knew the usage to speak for him. The charter also recites that formerly the defendant could only make one of two answers, namely an admission of the whole charge, or a *thwert-ut-nay*, and when he had said the 'nay', he was put to his 'law'. The result was, the charter says, that many from not knowing the usages lost their suits. The remedy provided was to give the defendant time to answer and liberty to consult others before doing so.³

Now our reason for thinking this case is no authority for the general indispensability of a *thwert-ut-nay* is that it was a borough court case, and that it appears that the custom of boroughs as regards this particular matter was entirely different from that of the royal courts. Maitland supports his view by quoting the statement in the *Leges Quatuor Burgorum* that in defending

¹ *Ante*, p. 16, n. 1.

² i. e. answerless, *non defensus*; see Bateson, *Borough Customs* (Selden Soc.), ii. 5 and cli.

³ *Records of Borough of Leicester*, i. 156, 158.

'wrong and unlaw' a *twertnay* is used, but he does not tell us that this is there stated to be the custom in borough pleas.¹ This distinction in practice between a borough court and elsewhere is recognized in a Scottish *Acta Parliamentorum* of Robert I in 1318,² which provided for a modification of the strict method of pleading, both in general and also where a man was claiming his lord's court, a breach of which made a man 'indefensus' and lost him his court, as already mentioned earlier. The act contains a saving clause for the law and custom of boroughs, 'Salva lege et consuetudine burgorum que est in certo defendendo torte et noun raysoun scilicet wrang et unlawe sine plus demandando curiam suam'. It seems impossible from these references to treat the Leicester case as an illustration of general application.

The earliest extant plea roll of the Cheshire county court, that for the years 1259-60,³ and the roll of a Macclesfield 'eyre' of 1286,⁴ supply a number of illustrations of the custom of *thwertnic*. The earliest is in 1259 when the authority of Thomas de Orreby, the earl's newly appointed *custos* of the forests and escheats, was impugned by the assembled county, and he endeavoured to attach one William de Bostock (apparently one of the county representatives and a tenant of the 'baron' of Shipbrook) then and there. 'Idem Willelmus secundum legem Cestresire per thertnig de supradicto foro transivit et de parte posuit se super patriam.' Numbers of cases occur on the rolls where men belonging to the 'liberty' (i. e. within the baronial jurisdiction) of the steward or of the constable of Chester (both of course 'barons' of the earl) answered complaints by *thwertnic ad libertatem* of their lord. This was done successfully in charges of theft, robbery, assault, receiving poachers, forest trespass with dogs, &c. But in a case where a man and his wife, accused of murder, appeared and answered 'per twertnik ut homines senescalli et in libertate sua', to the wife's plea the justiciar said 'quod illa responsio non sufficit'. Her reply was 'quod vir suus homo est senescalli et ipsa eadem libertate gaudere debet qua vir suus'. But this did not avail. *Ad iudicium*, and the pair seem to have paid a fine to have the inquisition omitted. Again, when men of the steward, accused of murder and arson, answered *per twertnik*, the justiciar said 'quod talis responsio non adiacet in tali casu. Item ballivus senescalli exigit predictos ad pleuinam, ad quos iusticiarius quod pleuina non adiacet. Ad iudicium. Tandem concesserunt ponere se in inquisitione que dicit quod quieti sunt ex omni forisfacto sibi imposito.' The reason for

¹ *Acts of Parl. of Scotland*, i. 26, no. 31.

² *Ibid.* i. 111.

³ Chester Plea Roll, no. 1.

⁴ Chester Eyre Roll, no. 12. For the nature of this so-called 'eyre' see *ante*, xxxix. 83 ff.

excluding the *thwertnic* defence in these cases is not made clear, but murder was a plea of the Crown which the 'barons' of Cheshire could not entertain in their own courts.¹ Where two men were charged with having chattels of a dead robber, one defends by *twertnic ad libertatem* of the constable, the other is acquitted by the inquest. Apparently those not in a baronial 'liberty' could purchase the right. At least this seems to follow from the case of William de Chisseworth, taken on suspicion, who 'denied' and gave half a mark to the king for leave to answer *per negacionem del twertnik* according to the custom of the country. The cases seem to show that a plea by *thwertnic* had to be repeated at several courts before it was effective. As a general thing four courts were required, but a denial at two or three seems sometimes to have served.² The record often runs 'Let (the bailiff of the 'baron') bring him to four counties, and the said A. appeared at four counties and therefore was quit *ad libertatem, &c.*', or, 'And because the bailiff (of the constable) produced him at four counties according to the custom of the country it was decided that he might go away freely *ad libertatem, &c.*' The clerk notes in the margin of the roll the defendant's appearances, e. g. *Ad. com.* 1°, *sec.*°, 3°, 4°. *ad lib. constab.*, and in the Macclesfield 'eyre' roll the clerk, when entering up presentments of offences, sometimes notes the 'liberty' to which the offender belongs, no doubt for future reference when the case comes before the court for decision. The use of the *thwertnic* was evidently optional, and there are instances where the defence was abandoned after being raised the first and second times and the defendant submitted to an inquest in the earl's court.

From what is said in Maitland and Pollock's work one would gather that they considered the *thwert-ut-nay* defence was used in civil pleas commenced by writ as well as in criminal charges. While the defining line between the two was certainly vague at the opening of the thirteenth century and trespass might be one or the other, the Cheshire evidence of the last half of that century shows, as has been mentioned, that the defence of *thwertnic* was there used only for those charges of a criminal nature (excluding pleas of the Crown) preferred by the sheriff or his underlings, which the 'baron' had power to deal with in his own court. Owing to the abbreviated nature of the entries on the Cheshire rolls, the exact procedure is rather obscure, and it is not clear whether, when the charge against a man had been made, he simply rose and actually said the word *thwertnic* (meaning

¹ Tait, *op. cit.*

² Compare the first clause of the Cheshire charter, which provided for production of a 'baron's' man charged in the earl's court at three county courts without *sacraher* before the lord could take him away. Tait, *op. cit.*, p. 103.

'I deny it all') and no more. Probably he then had to add that he was a man of the steward, constable, or other 'baron', whereupon the defence was complete if at the necessary number of courts the bailiff of his lord rose and supported the statement by claiming him as in his lord's 'liberty'. In theory it might be supposed that a man charged who was 'quit' at the county court by *thwertnic* because the bailiff of his 'baron' claimed him, was still liable to be dealt with in the baron's own court if the *secta* appeared there later on. Probably this did occur if there was any profit to be made by the 'baron' by doing so in the way of amercement, forfeiture of chattels, and so on, but the man charged might fairly hope for more lenient treatment there than in the earl's court and even for acquittal at the hands of his friends and neighbours. Of course even if a *thwertnic* plea failed for any reason or the case did not come within the baronial jurisdiction, the 'baron' could still claim the goods and chattels of his man convicted as a felon. In 1260 we have the case of a man taken by the bailiffs of the 'barons' of Wich Malbank (Nantwich) in possession of a horse alleged to be stolen. He claimed it as his own and, as the court of the 'barons' could not take the inquisition, he was brought before the bench in the county court at Chester and condemned to be hanged. The 'barons' bailiffs claimed the right to execute and he was given up for hanging. The record ends with the statement that because the day was far spent (and, we may add, it was a long way to Nantwich) a gibbet was lent.

It is not surprising to find that out of this custom of *thwertnic* abuses arose, and after an official recognition of a hundred and thirty years the defence was abolished in the county palatine. This was effected by a charter of the Black Prince dated 10 September 1346, which (*inter alia*) provided as follows :

Although in past times it was the custom, as the commonalty has it by charter, that if any one was charged in the earl's court, he might defend himself by *thwertnic*, yet because this custom is contrary to the common law and is the origin of trouble and destructive to peace, the earl now ordains with the consent of the commonalty that this defence shall not be allowed in future and the said charter in that point shall be of no effect.¹

It would appear from this charter that the defence of *thwertnic* was treated as open to the whole community of the county, though the charter of 1215-16 itself was granted to the 'barons' generally and the privilege of *thwertnic* was given in terms only to their men. It is curious therefore to find, in the two rolls mentioned, that nearly all the cases in which this defence appears

¹ This is the translation in the *Calendar of Charter Rolls*, v. 313-14, where a confirming charter of 14 November 1389 is given. Spelman, *Glossarium*, quotes part of the text, hence Du Cange and others.

were cases in which the accused is definitely stated to have been a man of one of two only of the 'barons', the steward and the constable. While we find the plea to *quo warranto* of Henry duke of Lancaster, constable of Cheshire,¹ quotes the 'barons' charter on this point, the inquisitions *post mortem* of Roger de Montalt, the steward,² refer to his 'liberty of twertnync', and the plea to *quo warranto* of the 'baron' of Dunham also mentions the privilege as belonging to him,³ no instance has been noticed⁴ (unless the case of William Bostock was one⁵) where the 'liberty' of the 'baron' of Dunham or that of any of the other 'barons' of Cheshire except the two mentioned was put forward in a *thwertnic* case.

R. STEWART-BROWN.

¹ Ormerod, *Cheshire* (1882), i. 705 n.

² *Cal. Inq.*, vol. iii, nos. 408, 409 (1296).

³ Ormerod, *op. cit.*, i. 526 n.

⁴ The later extant plea rolls for 1281-2 (no. 2), 1286-7 (no. 3), 1287-8 (no. 4), and 1288-9 (no. 5) have no Crown pleas and no *thwertnic* cases. Later rolls have not been examined.

⁵ *Ante*, p. 18. He was a man of the 'baron' of Shipbrook.

The Negotiations of Sir Stephen Le Sieur, 1584-1613

SIR STEPHEN LE SIEUR,¹ in his unpublished dispatches, throws an interesting light on the chaotic state of Germany during the decade preceding the outbreak of the Thirty Years' war. Moreover, though a minor figure in the annals of English diplomacy, he furnishes valuable information concerning the relations between Germany and his adopted country.

Born in Geneva, Le Sieur came to England in about the year 1575,² and became the 'servant' of Philip Sidney.³ Through his patron's influence he was introduced to court circles, and was employed on various diplomatic errands in Germany and in the Netherlands. In 1584, while engaged in his first task, the rescue of Daniel Rogers, the common friend of Sidney and Hubert Languet, from prison at Brevoort,⁴ Le Sieur carried on protracted negotiations with the duke of Cleves. He found the duchy in a dismal plight. The new archbishop of Cologne, after expelling his protestant rival, Truchsess, went on a visit to Cleves, taking his troops with him. The elector stayed nine days, while the troops, reports Le Sieur,

were spoiling and burning gentlemen's houses, cloisters, churches, and villages, taking his [i. e. the duke's] subjects, killing divers and the rest ransoming them, using them with such cruelties as I have never heard the like.

The 'melancholical or rather mad humour' of the ruling family seemed good evidence that God had sent the soldiers as a just plague.⁵ A quarter of a century later, the controversy which

¹ The account of Le Sieur in the *Dict. of Nat. Biog.* is incomplete and at times inaccurate.

² Le Sieur to Sir Robert Cecil, 22 December 1597, *Hist. MSS. Comm. Report on the MSS. of the Marquis of Salisbury*, pt. vii, p. 521. He was not naturalized until 1621 (W. A. Shaw, *Letters of Denization and Acts of Naturalization*, pp. 28, 34).

³ Sir Henry Sidney to Robert Sidney, 28 October 1578; Sir Philip Sidney to Robert Sidney, 18 October 1580; Collins, *Sydney Papers*, i. 271, 285. In the Sidney letters Le Sieur is referred to by his Christian name only.

⁴ He was first employed on this mission from May 1581 to October 1582. For Daniel Rogers see the *Dict. of Nat. Biog.* Numerous letters of Rogers and Le Sieur regarding the imprisonment and release, are to be found in the *Cal. of State Papers, Foreign, 1581-5*.

⁵ Le Sieur to Walsingham, 10 May 1584; *ibid.* xviii. 489.

arose over the succession to the mad duke's possessions furnished Le Sieur the occasion of his last and most important mission.

In 1585, after the release of Rogers, Le Sieur assisted Thomas Morgan, colonel of an English regiment in the Dutch service,¹ and represented him in the negotiations for the capitulation of Antwerp to the duke of Parma.² On 14 October, while carrying dispatches from Gravelines to England, Le Sieur had the misfortune to be captured, and for twenty-two months he suffered imprisonment at Dunkirk on the charge of being 'an agent of matters of state and an especiall instrument in matters of Flushing'.³ Sir Philip Sidney was greatly concerned over the fate of 'poor Steven',⁴ and in his will bequeathed to him

now prisoner in Dunkirk the sum of two hundred pounds, to be paid unto him, either there, to redeem him thence, if there be no other mean, or after his coming out for his better maintenance.⁵

Shortly after regaining his freedom Le Sieur was employed as a political agent by Lord Willoughby, commander of the English forces in the Netherlands.⁶

Le Sieur received his first important appointment in 1597, when Sir Robert Cecil sent him to Hamburg on behalf of the Merchant Adventurers who had been banished from Germany by the emperor, in reprisal for the loss of the Hansa's privileges in England.⁷ He was unsuccessful in appeasing the wrath of the Hanseatic merchants; but his efforts apparently gave satisfaction, for in February 1599 he was dispatched to Germany as agent to Queen Elizabeth's co-religionists, the 'corresponding' princes.⁸ We hear that his 'service and diligence' on this mission were 'well liked of' at court.⁹ The same year (1599),¹⁰ and again in

¹ Le Sieur to Walsingham, 23 February 1585; *Cal. of State Papers, Foreign*, xix. 299.

² Le Sieur to Walsingham, 3 August 1585; *ibid.* xix. 649.

³ Thomas Doyley to earl of Leicester, 12 November 1585, in T. Wright, *Queen Elizabeth and Her Times*, ii. 266. See also Doyley to Walsingham, 12 November 1585, *Cal. of State Papers, Foreign*, xx. 162, and Le Sieur's letters written to Walsingham while in prison, *ibid.* xx. 179, 206, 232, 361, 478, 651, 710.

⁴ Sidney to Walsingham, 14 December 1585; *Complete Works of Sir Philip Sidney*, ed. A. Feuillerat, iii. 154.

⁵ *Ibid.* iii. 373.

⁶ Instructions, 14/24 March 1588; credentials, 16 March; Le Sieur to Willoughby, 24 March, 26 March, 28 March; *Hist. MSS. Comm. Report on the MSS. of the Earl of Ancaster*, pp. 98, 100, 104, 107, 109.

⁷ R. Ehrenberg, *Hamburg und England im Zeitalter der Königin Elisabeth*, p. 197.

⁸ Le Sieur to 'the Admiral of her Majesty's ships remaining in the Narrow Seas', 5 February; Le Sieur to Sir Robert Cecil, 14 February, 22 July 1599; *Salisbury MSS.*, pt. ix, pp. 60, 71, 242.

⁹ Rowland Whyte to Sir Robert Sydney, 18 August 1599; Collins, *Sydney Papers*, ii. 117.

¹⁰ Senate of Denmark to parliament of England, 1 November; Elizabeth to

April 1602, Le Sieur was sent to Denmark to adjust commercial disputes with that country.¹ He was unsuccessful, and from October 1602 to April 1603 he assisted the three English commissioners who were dispatched to Bremen for this same purpose.² Negotiations were also begun with an imperial ambassador to arrange a treaty for the settlement of the Hanseatic difficulties.³ Their labours were interrupted by the death of Queen Elizabeth; and in June 1603 James I appointed Le Sieur as his ambassador to the emperor to complete the work. The execution of the ban against the merchants had been suspended by the emperor in May 1602, but Le Sieur could do no more than obtain a ratification of this act (13 October 1603).⁴ The ban was not revoked until 1607.

After his return to England, Le Sieur acted as unofficial representative of the city of Stade, whither the Merchant Adventurers had transferred their trade, and was well rewarded for his pains with presents of excellent Rhine wine and other delicacies.⁵ The English government, on the other hand, paid slight attention to his needs or deserts. In March 1602 he had received a small pension,⁶ and in 1606 he had been employed by the Crown as a collector of fines and rents.⁷ The year 1608 marked a change in his fortune: in January he was granted the moiety of £8,000 worth of old debts to be collected by him;⁸ and in March he was knighted⁹ and granted a debt of £1,000 due from Sir Thomas Gresham to the late queen.¹⁰ This same year (1608) he was sent to Florence to obtain the restitution of an English merchant

Christian IV, 20 December 1599; *45th Report, Deputy Keeper of the Public Records, Appendix II*, pp. 55, 33. Rowland Whyte to Sir Robert Sydney, 4 November 1599; Collins, *Sydney Papers*, ii. 140.

¹ Elizabeth to Christian IV, 10 April, Christian IV to Elizabeth, 29 May 1602; *45th Report, Deputy Keeper, Appendix II*, p. 33. Le Sieur was also instructed to mediate between Christian IV and Duke Charles of Sweden (Elizabeth to Le Sieur, 15 May 1602; Rymer, *Foedera*, xvi. 440).

² Le Sieur to Sir Robert Cecil, 2 August 1602; *Salisbury MSS.*, pt. xii, p. 278. Instructions (undated); the commissioners to the lords of the privy council, 1 December; the commissioners to Cecil, 1 December; Rymer, *Foedera*, xvi. 429, 478, 485.

³ Le Sieur to Sir Robert Cecil, 23 August; 3 September 1602; 4 March 1602/3 (not 22 February 1601/2, as in *Report*); *Salisbury MSS.*, pt. xii, pp. 315, 344, 57; Freiherr von Minckwitz to council of state, 11 February; the commissioners to Sir Robert Cecil, 16 February; Lord Eure to Sir Robert Cecil, 28 February 1603; *ibid.* pt. xii, pp. 639, 644, 657; Ehrenberg, pp. 214–15.

⁴ Commission to the emperor, 25 June 1603; Rymer, *Foedera*, xvi. 518. Le Sieur's dispatch, 24 September; ratification of the suspension of the ban, 13 October; State Papers, Foreign, Germany (Empire), i, fo. 259; ii, fo. 27.

⁵ Ehrenberg, pp. 219–20.

⁶ *An Index to Bills of Privy Signet, &c.*, in the *Index Library Series*, edited by W. P. W. Phillimore, p. 50.

⁷ *Cal. of State Papers, Dom.*, 1603–10, p. 334.

⁸ *Ibid.* p. 400.

⁹ On 25 March (Metcalf, *A Book of Knights, &c.*).

¹⁰ *Cal. of State Papers, Dom.*, 1603–10, p. 417.

ship held on the charge of acting improperly as a privateer.¹ Perhaps Sir Stephen's new honour went to his head; for, it is reported, the threatening and insulting language which he used in addressing the grand duke was the cause of his failure,² and for the same reason his reappointment as ambassador to Tuscany was cancelled.³

The Hansa, meantime, regaining its influence, persuaded the emperor to order the seizure of English goods. An edict to this effect was issued in May 1610, and the following month Le Sieur was again on his way to Prague.⁴ Despite the strong opposition of the Hansa's agent and of the Archduke Leopold, the papal nuncio and the Spanish ambassador, Le Sieur procured a further extension of the merchants' trading privileges.⁵ An incident, however, occurred which seriously affected his next appearance at the imperial court. 'Led thereunto by his study and practice in necromancy and by Leopold', so Le Sieur explained,⁶ the old emperor Rudolf II conspired with the archduke to overthrow the agreement of 1608, which had established the emperor's brother Matthias in Hungary, Austria, and Moravia. In February (1611) the archduke's troops appeared before the walls of Prague. The Bohemian estates rose in support of Matthias and defended the city.⁷ Unfortunately, Le Sieur chose this moment to leave Prague in the company of an imperial councillor and of Tegnagel, a privy councillor of Leopold's. They were captured by a troop of Bohemian cavalry and brought back to Prague. The city mob, mistaking the English ambassador for Leopold, or perhaps for his military commander, called him by 'all the most vile names they could devise', and would have stoned him to death if his captors had not protected him. Le Sieur was at once released and permitted to continue on his way.⁸ Rudolf died in January

¹ *Cal. of State Papers, Venetian*, xi, 147, 148; Chamberlain to Carleton, 3 January 1609; *Court and Times of James the First*, i, 85.

² Correr's dispatch, 23 March/2 April 1609; *Cal. of State Papers, Venetian*, xi, 256.

³ Dispatches of Contarini and Correr, 8/18 February, 15/25 February 1610; *ibid.* pp. 427, 433.

⁴ Warrant for payment of expenses, 30 June 1610; *State Papers, Foreign, Germany (Empire)*, ii, fo. 61. Le Sieur arrived in Prague on 2 August (*ibid.* fo. 67).

⁵ The edict obtained by Le Sieur was dated 8/18 November 1610, but owing to the opposition it was not signed until 2/12 December (English translation of the edict with Le Sieur's memorandum, *ibid.* fo. 113, and calendared in the *Rep. on the MSS. of the Duke of Buccleuch at Montagu House*, i, 94-5; Le Sieur to Salisbury, 8, 18 December; *State Papers, Foreign, Germany (Empire)*, ii, fo. 115. Cf. Ehrenberg, pp. 224-6).

⁶ Le Sieur to Salisbury, 5 January 1611; *State Papers, Foreign, Germany (Empire)*, ii, fo. 128.

⁷ M. Ritter, *Deutsche Geschichte im Zeitalter der Gegenreformation und des dreissigjährigen Krieges*, ii, 349-56.

⁸ Le Sieur to Salisbury, 1 March 1611 (written from Dresden); *State Papers, Foreign, Germany (Empire)*, ii, fo. 175. The capture was made on 21 February/

1612, and Matthias achieved his ambition of succeeding to the imperial throne. Le Sieur was soon to find that the new emperor and his ministers had long memories.

After these many years of experience in German affairs Le Sieur was added to the list of peacemakers in the interminable controversy over the succession to the lands of the duke of Cleves, who died without male heirs in March 1609. In the unsettled state of the Continent it was of the utmost importance whether the duchies of Cleves and Juliers, with their apanages, should fall to a friend or foe of the house of Habsburg and the catholic faith. By their strategic position they formed links between the outlying bishoprics of Münster, Paderborn, and Hildesheim, and the ecclesiastical electorates and the Spanish Netherlands. On the other hand they controlled the Rhine communications between the protestants of central Germany and the Dutch republic.¹ The late duke had been a catholic, while the chief claimants to the duchies, the elector of Brandenburg, Wolfgang William, count palatine of Neuburg, and the elector of Saxony, were protestants, although the last named was friendly to the emperor. The Margrave Ernest, brother and representative of the elector of Brandenburg, and Wolfgang William both entered the duchies, and, in May 1609, reached an agreement to govern jointly until a final settlement could be made.² The emperor acted at once to prevent either of the 'possessioners', as the two princes were henceforth called, from obtaining the succession. When they refused to appear before the imperial court he ordered the Archduke Leopold to occupy Juliers.³

Both James and Salisbury⁴ realized the gravity of the situation. The king favoured the claims of Brandenburg because, as he rightly believed, it was necessary to build up a powerful princely house for the defence of protestantism.⁵ In characteristic fashion he offered his services as mediator.⁶ But he showed no eagerness to assist in the expulsion of the archduke; for he did not wish to be embroiled in the great preparations which Henry IV was making for an onslaught on the house of Austria. No sooner had the French king been murdered, than James gave his full

3 March: *Briefe und Akten zur Geschichte des dreissigjährigen Krieges in den Zeiten des vorwaltenden Einflusses der Wittelsbacher*, ix. 181, n. 2; Hegenmüller to archbishop of Salzburg, 23 February/5 March; *ibid.* xi. 183.

¹ Gardiner, *History of England, 1603-42*, ii. 93-4.

² The agreement of Dortmund, 31 May 1609 (Ritter, ii. 286-8).

³ *Ibid.* ii. 291-3.

⁴ Dispatch of Contarini and Correr, 8/18 February 1610; *Cal. of State Papers, Venetian*, xi. 425.

⁵ Ritter, ii. 295.

⁶ Manifesto, 15 July 1609; Winwood, *Memorials*, iii. 53.

support to the siege of Juliers,¹ which capitulated on 10 August 1610 to an allied force of Dutch, English, French, and German protestants.

The question of the disputed succession was still undecided. After the fall of Juliers, James again attempted to arrange a treaty, and again failed.² In March 1611 the elector of Brandenburg, fearing that the elector of Saxony would resort to arms, signed the agreement of Jüterbock, admitting his claim to share in the administration of the territories.³ When the palatine of Neuburg refused to accept it, and the elector of Brandenburg showed little inclination to adhere to his promise, James wrote to them urging the admission of Saxony.⁴ Meantime, the possessors became still further estranged by differences of religion, Wolfgang William professing the Lutheran faith, Ernest of Brandenburg the Calvinist. Both had given assurances that there should be no interference in freedom of worship, yet catholic communities were suppressed and the adherents of the two protestant sects quarrelled for the use of the dispossessed churches.⁵ Nor were these princes content with the government of their own territories. In January 1612 a company of Brandenburg soldiers supported a protestant rising in Aix-la-Chapelle. Two months later both laid claim to the village of Mülheim with the intention of fortifying it, and building a protestant city to compete with the neighbouring merchants of Cologne. In spite of the emperor's interdiction, houses and fortifications rose on the site of the new town.⁶

These disturbed conditions moved James to fresh exertions to preserve the peace. In March 1612 he concluded a defensive alliance with the German princes of the protestant union.⁷ Of the claimants to the Cleves succession Brandenburg adhered to the protestant union, Neuburg, although still a member, was already intriguing with the duke of Bavaria, while Saxony was violently opposed to it. He had, therefore, an added interest in instructing his ambassador, Le Sieur,

to do some offices which we think necessary to be performed on our part on the behalf of the Princes Protestant, and for conservation of the peace of the Empire which is not without some likelihood to be disturbed.

In particular the ambassador should urge the emperor to employ

¹ Lords of the council to Winwood, 18 May; *ibid.* iii. 165.

² James to Salisbury, undated (Hatfield MSS.), printed in Motley, *Barneveld*, ii. 453. Winwood's negotiations at Cologne (Winwood to Salisbury, 12 September, 12. 19 October 1610; State Papers, Foreign, Germany (States), x, fos. 158, 187, 196.

³ Ritter, ii. 370-1.

⁴ James to the United Princes, 11 October; *Briefe und Akten*, x. 52.

⁵ Ritter, ii. 363-6.

⁶ *Ibid.* ii. 401-4.

⁷ Text of the treaty, 28 March 1612; Rymer, *Fœdera*, xvi. 714.

judicial processes in the cases of the duchies, Aix-la-Chapelle, Mülheim, and Strasburg.¹

Le Sieur received these instructions in September 1612, and early in November he arrived at Düsseldorf. Here he met Wolfgang William, who told of the

dangerous differences lately happened between him and the councillors of Brandenburg about placing of Lutheran and Calvinist preachers in Popish churches. Wherein [added the ambassador] they had already so violently carried themselves the one against the other, that if I had not come at that instant, it is certain they would have proceeded to more violence.

Together with John Dickenson and Hotmann, the English and French agents resident at Düsseldorf, Le Sieur heard both sides and drew up an agreement which was accepted by the Brandenburgers, but refused by the palatine. So the ambassador left the duchies, hoping that he had persuaded them 'from further violent attempts'.² On his way to Vienna he visited the margrave of Baden, the landgrave of Hesse-Cassel, and the old duke of Neuburg. To the last named he appealed for moderation in the dispute over the duchies. At the close of December he reached Vienna.³

The ambassador wrote that he found the emperor well inclined towards peace. His chief adviser, Bishop Klesl, who was at this time attempting to compromise the differences between the princes of the empire, assured him that Matthias would administer justice without prejudice to religion.⁴ Actually, however, the interference of England in the affairs of the empire was deeply resented, while Le Sieur's claim that not only his own master, but also the king of France had joined the union, was received with astonishment. Copies of the ambassador's address were sent to a number of the catholic electors and princes. The duke of Bavaria was highly incensed, and advised the emperor to warn the king of England against supporting an organization which was without the imperial sanction. In Paris the ambassador's claim was indignantly denied.⁵ Two months

¹ Instructions, 9/19 September 1612; State Papers, Foreign, Germany (Empire), ii, fo. 206. The inclusion of Strasburg seems unnecessary, for the dispute over the archbishopric was a closed issue, while after the invasions of Alsace by the union's troops, peace between the princes and Archduke Leopold had been signed on 14/24 August 1610.

² Le Sieur to James, 16 November 1612; *ibid.* fo. 212.

³ Le Sieur to James, 30 December; *ibid.* fo. 216.

⁴ Le Sieur's 'oration congratulatory' to the Emperor Matthias, undated; *ibid.* vi, fo. 88 (misplaced). The address, in Italian, is printed in *Briefe und Akten*, xi, 7, dated 4/14 January 1613. Le Sieur to James, 13 January; State Papers, Foreign, Germany (Empire), ii, fo. 233; Ritter, ii, 378-80.

⁵ Vice-Chancellor Ulm to Reichshofrats-präsident count von Hohenzollern,

elapsed before Le Sieur was accorded another audience, when he again presented the claims of his clients, the German protestant princes. To the proposals already set forth Le Sieur, on the orders of his master, added the case of the margrave of Baden, who was being 'hunted by certain bastards for his title and lands'. Again the reply was only the general one that the emperor 'desireth nothing more than to maintain the public peace and good correspondence within the Empire'.¹ With the approval of Matthias, Le Sieur, on 5 March 1613,² set out to persuade the claimants to the duchies to appear at a meeting called by the emperor at Erfurt.³

Not until his departure from Vienna did the storm burst over the ambassador's head. His arrest while in the company of the Archduke Leopold's councillor Tengnagel was recalled. He was accused of having been in league with the archduke and with certain Austrian protestant leaders with whom the late emperor had been in correspondence. The English government was informed that Matthias considered its ambassador as an enemy, and would have nothing more to do with him.⁴ Le Sieur of course denied the charge,⁵ and there is no evidence to prove him guilty.

When the truth shall be examined [he wrote] it will appear that the only reason which hath moved the bishop [Klesl] to write in that sort is that neither he nor those of his faction do like that the king of Great Britain should know the proceedings in that Court and in the Empire, specially by one to whom they are already familiar.⁶

Klesl came to the conclusion that Le Sieur's mission was part and parcel of rebellion and heresy.⁷

Le Sieur's negotiations with the electors of Saxony and Brandenburg were also beset with difficulties. On 22 March he arrived in Berlin and was told by the elector of Brandenburg that he wished to give up the treaty of Jüterbock on which the Erfurt conference was to be based. With this message he went to Dresden, where he was joined by Landgrave Maurice of Hesse-Cassel. The elector of Saxony insisting upon the acceptance

4 14 January; Klesl to duke of Bavaria, 13/23 January; Efferen's (councillor of elector of Mainz) report on Villeroy's answer [March]; Nuncio to [...], 4/14 March, writing from Paris; *Briefe und Akten*, xi. 9, n. 1, 42, 154, 40, n. 1. Bavaria's answer is printed in *ibid.* p. 12, n. 4.

¹ James to Le Sieur, 12 February; State Papers, Foreign, Germany (Empire), ii. fo. 250.

² *Briefe und Akten*, xi. 307, n. 2.

³ Le Sieur to James March 1613; State Papers, Foreign, Germany (Empire), ii. fo. 269.

⁴ [Lake ?] to Le Sieur, 30 March [1613] (incorrectly endorsed '1612'); *ibid.* fo. 263.

⁵ Le Sieur to James, 13 June; *ibid.* fo. 288.

⁶ Le Sieur to [Lake ?], 13 June; *ibid.* fo. 292.

⁷ Klesl to Hegenmüller, 24 March/3 April; *Briefe und Akten*, xi. 307.

of the Jüterbock agreement, two other princes, the margrave of Culmbach and the margrave of Baden, joined in the attempt at mediation. The former went to Berlin, the latter to Neuburg. Their efforts were of no avail.¹ At the end of April, on the earnest request of Brandenburg and Culmbach, Le Sieur was again in Dresden. Here he met the margrave of Anspach, who had been sent by the princes of the union. Le Sieur suggested that one of the electors should buy the claim of the other, so that the remaining claimant could stand against Neuburg with 'double strength'. But John George of Saxony answered that a private agreement was impossible, as he had already promised the emperor that he would submit the dispute to the coming diet. John George not only refused English mediation but, as the ambassador's report to his master shows, was greatly annoyed by it:

Saxe, partly of himself and by the persuasion of his council, doth not willingly see that your Majesty nor any other prince but the emperor take notice of matters of state in the Empire, insomuch that I have been demanded by one and the other whether your Majesty would take it well if some of your subjects, supposing themselves grieved under your government, should make their complaint with the emperor and he to favour their cause, and seriously defend the same as just.

Le Sieur defended the king by a discourse on the difference between an hereditary and an elective monarch, and between 'counsels truly Dutch [i. e. German] and others Spanish which nevertheless did pass under the name of the emperor'. At this, the elector vowed 'that he would not only never be a Catholic nor a Calvinist, but if he knew any one councillor or minister of his to be a pensioner to Spain, Rome, or to any other prince, he would cut off his head'.²

Le Sieur returned to Berlin with a message from the elector of Saxony that either the agreement of Jüterbock must be maintained or a new one made which would assure his admission in the government of the duchies. John Sigismund sent back an equivocal answer³ which aroused the anger of the elector of Saxony against the ambassador. The story was told in Vienna that, when after dinner Le Sieur wished to continue the discussion, the elector told him 'er solle sich packen, sonst wolle er ihm den Becher ins Gesicht werfen'.⁴ In June a meeting at Halle was

¹ Le Sieur to James, 15 April; State Papers, Foreign, Germany (Empire), ii, fo. 272.

² Le Sieur to James, 3 May; *ibid.* fo. 275.

³ Elector of Saxony's propositions, 31 March/10 April; elector of Brandenburg's answer, 17/27 April. *Briefe und Akten*, xi. 394, n. 1.

⁴ Bodenius, Bavarian agent in Vienna to duke of Bavaria, 26 May/5 June; *Briefe und Akten*, xi. 394, n. 1.

arranged by the mediation of the princes of Hesse-Cassel, Culmbach, and Magdeburg, between the elector of Brandenburg and delegates from Saxony. Here Le Sieur's proposal to buy the Saxon claim was put forward by Brandenburg, and promptly rejected.¹ The English ambassador then turned his attention to the imperial diet which opened at Ratisbon on 3 August.²

On his journey thither he was met by a messenger commanding him, in the emperor's name, not to set foot in the city; while James was again informed that his ambassador was personally obnoxious.³ In spite of the prohibition Le Sieur entered Ratisbon and sought an audience with the emperor, who, however, refused to receive him.⁴ The ambassador discovered that the proposal to exclude him was made by the ecclesiastical electors and Saxony, 'not', as he wrote to the king, 'so much in the respect to myself as that they would cut off the correspondence between your Majesty and the Protestant Princes'.⁵ The imperial vice-chancellor Ulm, a strong opponent of Klesl's policy of conciliation, was reported to have said,

that though those of Heidelberg and their faction seemed to rely and brave much upon the late marriage with England [i. e. of the Princess Elizabeth with the Elector Palatine], and of the alliance with the States, yet that was of no account, for the emperor knew how to encounter them. Yea, there were many thousand men ready in Italy which in five weeks could be in Germany, if the emperor were not disposed rather to preserve peace than to bring war into Germany.⁶

It was the middle of September before Le Sieur was accorded an audience, though not before he had been requested to answer certain 'points of dislike' against him. The charges were: (1) that he had falsely informed the emperor that the king of France had joined the union, (2) that he had taken upon himself 'to prescribe unto the emperor what he should do in certain causes of the Empire', (3) that he told the elector of Brandenburg that the emperor had assented to James's mediation in the duchies, (4) that he had 'held conventicles and preaching in his house' at Vienna, and (5) that he had complained of the burgomaster

¹ Le Sieur to James, 18/28 May; State Papers, Foreign, Germany (Empire), ii, fo. 281. Cf. Ritter, ii. 397-8.

² *Ibid.* p. 378.

³ Schönberg to Rochester, 27 July/6 August; State Papers, Foreign, Germany (States), xii, fo. 179. Le Sieur to James, 31 July/10 August; *ibid.* (Empire), iii, fo. 13.

⁴ Le Sieur to Lake, 10 August; Le Sieur to James, 16 August; *ibid.* iii, fos. 15, 17.

⁵ Copy of order signed by the ecclesiastical electors, 7 August (new style); Le Sieur to James, 26 August; *ibid.* iii, fos. 24, 22.

⁶ Le Sieur's dispatch, 23 August; *ibid.* fo. 19. Cf. Faber to duke of Württemberg, 18/28 August; *Briefe und Akten*, xi. 712.

of Cologne without due cause. Le Sieur's answer to the first two charges was that he had only acted upon his instructions, the third and fourth he denied. As to the fifth, he had complained against the burgomaster because of his remark that the king of England, in attempting to mediate in the dispute over Mülheim, was meddling in a matter which did not concern him. The charge of conspiracy with the Archduke Leopold had been dropped. Le Sieur again stated the controversies which James hoped would be amicably settled, and was again assured of the emperor's goodwill. The audience ended when the vice-chancellor rebuked the ambassador for his insistence on knowing the author of the charges brought against him.¹

On 12 October the diet came to a close after failing completely to effect a reconciliation between the two contending parties. Le Sieur jubilantly claimed that England was to blame for a catastrophe which brought war one step nearer.

Thus [he wrote to James] the diet at which the Popish faction thought to have effected much to their advantage hath an end. Some of them make no difficulty underhand to tax your Majesty to be the cause that by me the success is so ill for them, and to wish that their advice had been followed, which was not to permit me to be in the city during the diet.²

Exaggerated as this estimate is, it cannot be doubted that the position of the princes of the union at the diet was greatly strengthened by their alliance with England, and by the presence of the ambassador. Before he left, the charges against Le Sieur were withdrawn, and he hoped to remain in Germany as permanent agent at the emperor's court. His difficulties had, however, made so unfavourable an impression on James that this request was refused.³

Le Sieur remained in Germany until the following May, acting as English ambassador to the protestant princes.⁴ But his diplomatic career was at an end, and he obtained no other government employment.⁵ In 1627 he sent a pathetic appeal to the king praying for the payment of an annual pension of £50 which had been granted but not paid since the death of James I.⁶

¹ Le Sieur to James, 17 September; State Papers, Foreign, Germany (Empire), iii, fo. 35. Cf. Le Sieur to the administrator of the Palatinate, 23 September/3 October; *Briefe und Akten*, xi, 914.

² Le Sieur to James, 15 October; State Papers, Foreign, Germany (Empire), iii, fo. 61.

³ Le Sieur to [James], 9 October; *ibid.* fo. 57. Chamberlain to Carleton, 25 November; *Cal. of State Papers, Dom.*, 1611-18, p. 212.

⁴ His last letter from Germany is dated at Heidelberg, 11 May 1614; State Papers, Foreign, Germany (Empire), iii, fo. 119.

⁵ Chamberlain to Carleton, 5 January 1615; Lake to Wallingford, 4 February 1618; Wallingford, Hobart, and Ley to the king [February ? 1618]; *Cal. of State Papers, Dom.*, 1611-18, pp. 269, 519, 520.

⁶ *Ibid.* 1627-8, p. 135.

On 21 October 1630 the exchequer account shows a payment of £25 to Le Sieur, the last recorded;¹ he was hardly an old man then, but presumably he died shortly after.

It has been seen that Le Sieur attempted to solve the question of the disputed succession to the duchies by fixing on one of the claimants, Brandenburg or Saxony, and backing his claim to the uttermost. James, on the other hand, although at first favouring Brandenburg, was soon willing to agree to any compromise which would preserve the peace. The controversy became still more embittered by the conversion of Wolfgang William to catholicism, and his marriage to the daughter of the duke of Bavaria. A conflict was inevitable. With the assistance of the Dutch the Brandenburg party occupied Juliers, while Neuburg fortified Düsseldorf. Wolfgang William's new ally, the Archduke Albert, thereupon sent a Spanish army into the duchies, which seized the territory on the left bank of the Rhine and Wesel. The Dutch retaliated by taking possession of Emmerich and Rees. James again interposed, and on 2 November 1614 his ambassador, Sir Henry Wotton,² signed the treaty of Xanten, providing for a division of the territories until a final agreement could be reached.³ But the treaty was never executed, the armies remained in possession, and the affair was engulfed in the greater struggle of the Thirty Years' war. The peace of Westphalia provided no settlement, but in 1666 a compromise was made which would have satisfied King James. To Neuburg went Juliers and Berg, to Brandenburg Cleves, Mark, and Ravensberg. Not until the congress of Vienna were Juliers and Berg united to Prussia, thus finishing the work in which Sir Stephen Le Sieur had played his small part.

E. A. BELLER.

¹ *Ibid.* 1629-31, p. 364.

² For Wotton's negotiations see L. P. Smith, *Life and Letters of Sir Henry Wotton*, i. 134-42, and letters printed in ii. 41-83.

³ Text of treaty in Dumont, *Corps diplomatique*, v, pt. ii, p. 259. English translation in *Col. of State Papers, Venetian*, xiii. 256.

French Designs on Spanish America in 1820-5

THE existence of French designs on Latin America during the years 1820-5 was at one time definitely accepted by historians. But it has been questioned by Villanueva and, more recently, by the able scepticism of Mr. Perkins and Professor S. E. Morison, in whose view the conference of Canning and Polignac on 9 October 1823 was not of any great moment. For Polignac merely gave a pledge not to attack Spanish America, which no Frenchman objected to giving since no Frenchman thought of an attack. In this view Canning's victory would be an essentially hollow and popular one and have been much misrepresented in history. It would be the victory of Achilles over Hector not according to Homer, but according to Shakespeare. In that version Achilles found Hector unarmed, bade his myrmidons stab him, and then claimed to have killed him in fair fight. If the new version is accepted Castlereagh would represent the myrmidons, and Canning the gimcrack and boastful Achilles.

The general arguments in favour of scepticism may be stated as follows. (1) The Spanish colonies had already achieved a *de facto* independence by 1822, and European aid to Spain would not have been effective to reconquer them. (2) The French government are admitted to have conceived a design for planting Bourbons (generally Spanish princes) on the thrones of Peru, Chile, and Mexico, but they neither expected nor desired to accomplish this project by the use of force. To this we may add the third and more technical argument that the records contain few or no indications of any serious design.

This last argument may be dealt with first. Russia, as is generally admitted, was anxious to intervene in Latin America, but had not definitely made up her mind to do so during 1822-3. On 28 November 1823 Alexander admitted to the French ambassador, Ferronays, that he was too much occupied with Greece and Spain to have time to examine the question of the colonies.¹ We can thus account for the absence of any serious mention of the project in the Russian records of 1823. There was much

¹ The Grand Duke Nicolas Mikhailovitch, *L'Empereur Alexandre* (1912), ii. 502.

of it in 1824, when Alexander had more serious designs. During 1823 there is also very slight mention of the Spanish colonies in the Austrian records, for the generally accepted reason that Metternich cared very little about the matter and did not believe in the employment of force. It is also true that the French records contain little on the subject. They are very formal and official in character, but there are several illuminating pieces of evidence on the subject in memoirs and unofficial papers. The British official records do show that Canning was convinced of the reality of the design, and further evidence is available in his private papers. The question is, then, whether Canning's view and action were based 'on a complete misconception of French policy'.

It is important to recognize that the actual project of recovering parts of Spanish America by force of arms for Spain, whether in fact illusory or impossible, was not deemed so in Europe. On 2 June 1819 Wellington wrote to the Austrian ambassador in Paris that 'ten thousand men' placed by Spain in Monte Video would recover Buenos Ayres for Spain 'in six weeks'.¹ Buenos Ayres was not only, of all Spanish American republics, the most stable and secure, but she had, unaided, repelled a British attack during 1806-7. On 18 October 1822 Wellington wrote to Canning that Colombia had been conquered 'from the Spaniards by our deserters; and after all, if the Spaniards could have placed two frigates in the Orinoco, they would have saved the Colony'.² His opposition to the policy of recognition seems to have been largely based on the idea that the colonies, or some of them, might ultimately be reconquered. As English information on Spanish America was better than any other, and as Wellington's military judgement was the best in Europe, the continental powers may well have been more credulous still. On 12 December 1823 Polignac told Canning that 'a Spanish prince at Havanna with five or six thousand men would soon be on the throne of Montezuma', if Mexico were separated from Spain.³ On 11 March 1824 Mollien, a French agent, who had just returned from Colombia, reported 'that a small European force off her coast would render her independence extremely questionable'.⁴ It was not till November 1824 that Polignac confessed that 'the hopes hitherto entertained of the royalist cause triumphing [in Spanish America] must now be abandoned'.⁵ There is, therefore, good enough evidence that the policy of sending a small

¹ Wellington, *Despatches and Memoranda* (1867), i. 70-1.

² *Ibid.* i. 384.

³ Archives Étrangères, Angleterre, tom. 617, Polignac to Chateaubriand, 12 December 1823. He thought also that Peru could be reconquered.

⁴ F.O. France 146/62, Stuart to Canning, 11 March 1824, no. 136.

⁵ Manuscript in Foreign Office Library, 'Spain 1824-5', Report of an interview with Prince Polignac, 25 November 1824.

military force to Cuba, with a view of operating on the mainland, was considered to have a fair chance of success, at any rate in Mexico. And it is not without significance that a conference of French, Austrian, Russian, and Prussian diplomatists at Paris on 14 and 26 August 1824 solemnly recommended Spain to reconquer her colonies, indicating Mexico as the point of attack.¹

In regard to Peru Polignac told Canning (12 December 1823) that it could be reconquered by Spain. In 1824 the Peruvian royalists were actually superior in number to those of the army of Bolivar during most of the year and had reconquered Lima and Callao. On 7 November 1824 the British consul wrote that Peru 'cannot, I think, be said to be in any manner in a respectable state of defence against any military attack of the European order' and that 'a small military body of European quality would be sufficient to insure success'. As regards naval attack he wrote that 'two sixty fours, 4 frigates of 40 guns and 2 or 3 Brigs would be more than any unassisted means of the four States (Chile, Peru, Colombia, Mexico) . . . could resist'.² At that moment the Spaniards held all the chief Peruvian ports, and there were two Spanish seventy-fours and some smaller craft off the coast, together with a French brig and corvette. In mid-August a French seventy-four had been off Valparaiso, and there was a further French naval squadron at Rio, which could have reached the Peruvian coast in a relatively short time. The combined Franco-Spanish naval force appears, therefore, to have been sufficient to reconquer Peru. Even Chile was not safe, for the isle of Chiloe was still in Spanish hands, and could have been used as a base, and the French intrigues had been 'indefatigable' in Chile itself. In March 1825 the British naval captain, Malling, discussed these projects and dispositions with Bolivar. Malling said he had long thought that the French have 'only been waiting a favourable moment to give their assistance to the Spanish party, but that they would not have acted "overtly" till the royalists had won a victory'. Bolivar said he thought that as Ayacucho had been a defeat for them, it had ended all danger in Colombia. But 'he, in some degree, believed the account, for they [the government] were actually arming in Colombia from a conviction of its truth'.³ Early in 1826 Bolivar expressed some fears again of what the French naval power might do in Peru. About the same time Bolivar showed great hostility to the French and deported one of their agents from Peru at two hours' notice, and assumed 'a very defiant attitude' when he received the French

¹ Leland and Jameson in *American Hist. Rev.*, xxii. 599, and my article, *ibid.*, xxx. 25.

² F.O. Peru 61/3, 7 November 1824, Rowcroft to Canning.

³ *Ibid.* 61/6, Report of Captain Malling, H.M.S. *Cambridge*, 18/20 March 1824.

admiral. The Colombian government and general popular opinion in Spanish America may have been excitable or panic-stricken. But Bolivar and Malling were men of military or naval experience and capable of judging the situation with some calmness. Obviously both thought that forcible intervention by the French was possible. If it was so, French policy had changed since 1818.

Castlereagh got Alexander at Aix-la-Chapelle (1818) to abandon any design of forcible intervention in Latin America, and was thought to have scored a signal triumph. He intimated very clearly that England would resist any such design to the utmost of her power. At that time France was not in a position to cherish any such design and, as Canning said later, 'Russia can hardly act alone'. But the fact that the Neo-Holy alliance submitted to Castlereagh in 1818 was no reason why it should do so at a later period if France was prepared to risk something to achieve this purpose. And France, which began to cherish the idea of 'a spirited foreign policy' after 1818, showed signs of wishing to interfere in the New World during the years 1819-20. In this project she was encouraged or assisted by Russia, or at least by the intriguing Corsican (Pozzo di Borgo) who represented her at Paris.

The 'Buenos Ayres incident', as it is called, is of considerable interest. It was, Castlereagh thought, connected with Russia's sale of a number of ships to Spain to help her to carry her soldiers to the New World, a project only arrested by the rottenness of the ships themselves and by an outburst of sickness among the Spanish expeditionary troops (October 1819). For nearly a year previous France had taken a hand in a mysterious intrigue in Buenos Ayres. A French agent reported that Pueyrredon, the supreme revolutionary director of the united provinces of La Plata, secretly favoured the establishment of an independent monarchy under French influence (2 September 1818). In October of that year Gomez was sent to Europe to negotiate the matter, and in March 1819 he held several conferences with the Marquis Dessolles, the French foreign minister. Dessolles proposed a remote Bourbon, Charles Louis, duke of Lucca, as king, but Gomez objected to him as a prince of Spain. Roudeu, who had succeeded Pueyrredon as director, sent a message to the congress of La Plata regarding the candidature of the duke of Lucca (June 1819). In the same month, however, Pasquier, who had succeeded Dessolles as French foreign minister, intimated that France withdrew from the candidature.¹

Castlereagh appears to have been ignorant of the incident at the time. But in 1820 a somewhat garbled version of the facts

¹ W. S. Robertson, *Rise of Spanish American Republics*, pp. 200-1.

was published in a pamphlet in London. He at once pronounced it 'in opposition to British interests', as well as 'a breaking loose from Spain and from the general European system', and demanded an explanation 'of this apparently hostile and mysterious intrigue' at Paris. 'The impression produced on this country is equally serious and painful.'¹ He also demanded explanations as to the recent dispatch of a French naval squadron to Rio de Janeiro. The explanations as to the last 'sufficed', but Castlereagh considered those as to the first 'very imperfect and unsatisfactory'. Pasquier and Richelieu were unable to deny the interview of Dessolles with Gomez, but stated that he had declared the scheme 'impracticable', Richelieu adding that a Spanish prince at Buenos Ayres offered 'the surest prospect of permanent tranquillity in South America'. Castlereagh disbelieved the explanation, and pointed out that 'The Government of Buenos Ayres not only gave full credit to M. Gomez' report; but that the [Buenos Ayres] Congress, formally, and under the most critical circumstances, acted upon it as authentic'. He wrote thus to the sympathetic Metternich, whom he acquitted of all part in the transaction. Finally, he suggested that 'we must regard this affair as flowing from the dregs of that old diplomacy which so long poisoned the public health of the Body Politic of Europe, but which has happily in later years been in a great measure banished, at least from the Councils of the Quadruple Alliance'.²

Castlereagh was a man of good temper and cool judgement, but here he exhibits a perfect fury of resentment. He attributed the intrigue, perhaps wrongly, to Pozzo di Borgo, who seems to have thought it a chimera, and to have been amused at Castlereagh's wrath.³ Castlereagh may have been angry because he thought France intended, in secret co-operation with Spain, to place a Spanish Bourbon on the Argentine throne by pacific means. But he complains bitterly that England was passing the Foreign Enlistment Act to prevent British subjects from aiding the revolutionaries in America at the same moment when France was intriguing against British interests. This might mean that he thought that French arms would support French intrigue,

¹ F.O. France 146/40, Castlereagh to Sir C. S. Stuart, 13 and 15 July 1820; 146/37, Stuart to Castlereagh, 24 July, no. 184; 31 July 1820, no. 190. Stuart says the collusion of the two powers (Spain and France) 'was clearly proved', and that he thought that Spain wanted to continue the negotiation, though Dessolles averred the contrary. Gentz stated later that France sent a note to the Buenos Ayres government regarding the offer. See F.O. 360/3, Howard de Walden MSS., Silva (Brazilian agent in Vienna) to Carvalho e Mello, 18 November 1824.

² F.O. Austria 7/148, Castlereagh to Lord C. Stewart, 11 August 1820. The London pamphlet said, incorrectly, that Austria had a hand in the negotiation.

³ Polovtsoff, iii. 429, Pozzo to Nesselrode, 28 July 1820.

and his suspicion of the French naval force off Rio de Janeiro suggests that he had some fears of actual aggression.

Whatever the explanation there can be no doubt that French designs in Spanish America were henceforth suspected by British statesmen. It was natural that their suspicion of these designs should deepen in the year 1822, and it is at any rate highly probable that they knew more than appears on the surface. For they had excellent sources of information, having secret access to some of the clerks of the French foreign office and to at least one cabinet minister. The matter came to a head when Canning decided to suppress piracy in the West Indies and to land British sailors, if necessary, in Cuba for the purpose. He made solemn disclaimers at Paris of any British aggressive designs on Spanish America and inquired as to French ones (1 December 1822).

On 10 December 1822 Villèle told Wellington that France could not consent 'to an extension of our commercial advantages and our territory' in Spanish America. Wellington at once disclaimed all idea of exclusive commercial advantage. Earlier in the conversation he had denied any design of 'possession of the Havannah or annexation by Great Britain'.¹ Only the day before, Villèle had received from Canning a solemn declaration against any such design. In explaining that the proposed British operations to suppress piracy in West Indian waters might lead to a landing in Cuba, Canning had added :

His Majesty would deem it both dishonourable and unjust to take advantage of the present difficulties of Spain to appropriate to Himself any part of Spanish America, and the King would feel that He did wrong to any Government, to which He did not give full credit for being actuated by similar principles.²

Villèle pronounced this complete disclaimer by England of any territorial designs on Spanish America to be 'extremely important', but he did not answer her implied request for a similar assurance on behalf of France. Canning repeated the British disclaimer 'in the most solemn manner' in his dispatch of 31 March 1823 (which was publicly laid before parliament in April), and added that 'His Majesty is satisfied that no attempt will be made by France, to bring under her dominion any of those possessions, either by conquest, or by cession, from Spain'. This last dispatch was, however, so formidable in tone that Villèle might be excused from giving a direct answer at the time.

Were there any such designs? Villèle had said something

¹ Wellington, *Despatches and Memoranda*, i. 637-40.

² F.O. France 146/50, Canning to Sir C. Stuart, 1 December 1822, nos. 14 and 15; 146/48, Stuart to Canning, 9 December 1822, no. 339. He interviewed Villèle on or before that day.

to Wellington as far back as 10 December 1822 which indicated a sort of design.

If [said he] the Spanish Government wished to send an Infant to Mexico or Peru, or to any part of Spanish America, attended by troops, with a view to make an endeavour to renew the connection between those Colonies and Spain, the expedition now fitting in the ports of France should be at the orders of the Spanish Government to convey the Infant and the troops wherever they pleased.¹

At the same time a project for planting Spanish infants in Mexico and Peru was mooted in the *Journal des Débats*, the organ then of Montmorency, and afterwards of Chateaubriand.² It promised naval support to Spain and said that if Spain did not accept the project, it would be blockaded like Morocco or Algiers. On 26 December the French dispatch to Madrid promised 'all kinds of succours' to Spain, and on 11 March 1823 Chateaubriand explained to the Austrian ambassador at Paris what this meant.

In respect to the offer of all kinds of aid which will be offered to His Majesty [King Ferdinand] on the borders of the Bidassoa and to what interpretation was to be placed on it . . . M. Chateaubriand said that these succours (secours) were maritime aid (des moyens maritimes) 'mis à la disposition du Roi d'Espagne, appui de l'aider s'il était possible, pour conserver une partie des Colonies qui n'étaient pas entièrement détachées de la métropole'.³

He added that financial aid might also be provided. In July Villèle discussed the same project in a private letter to the duc d'Angoulême, the French commander in Spain. He worked out a fairly detailed scheme, not only proposing to supply naval transports and some money, but 'a few [French] troops'.⁴ These plans were, he said, very suitable 'à être goûtées par les divers Cabinets de l'Europe'. A precisely similar scheme was to be forwarded 'with all his power by our ambassador at Lisbon'. In accordance with this plan Hyde de Neuville, the French ambassador at Lisbon, is stated to have actually offered the king of Portugal armed aid to recover Brazil on 27 October 1823, an offer which was refused.⁵

The offer of armed aid or naval support does not, however,

¹ Wellington, *Despatches and Memoranda* [1867], i. 639. To Canning, 10 December 1822.

² Article of the 13 December in the *Journal des Débats*. F.O. 97/168, Mr. Darby to Planta, 14 December 1822.

³ Wiener Staatsarchiv, Berichte aus Frankreich, Bd. 351, 11 March 1823, no. 85 A, Vincent to Metternich. It is not necessary to assume that 'the part of the Colonies not entirely detached from the Mother Country' referred to Cuba and Porto Rico only. A part of Mexico, and a good deal of Peru, were still in Spanish hands.

⁴ Villèle, *Mémoires*, iv. 200-1, to Angoulême, 5 July 1823.

⁵ F.O. Portugal 273/21, Sir E. Thornton to Canning, 31 October 1823, no. 31. An Englishman at the court of Lisbon provided Thornton with much secret information.

appear to have been actually made to Spain. Angoulême replied to Villèle that it was better to wait till the king of Spain was at liberty before taking up the question. This advice was obviously sound, as that eccentric monarch might well object to three relatives inheriting crowns which he thought belonged to him alone.¹ Further the infants were imprisoned with him at Cadiz, and the military and naval forces of France were required for Old Spain. Villèle replied to Angoulême on 18 July.² He said no more of French troops, but asserted that all France would support the employment of the French navy and of French credit to get the infants received in Mexico, Peru, and Chile, in all of which countries there were armed pro-Spanish parties. But the affair of the colonies must wait till the more pressing problems in Old Spain were settled. This view was confirmed by Chateaubriand in an instruction to Polignac on 5 October, just after his interviews with Canning began. He wrote, 'Until the king of Spain is delivered we can form no plan as to the colonies'.³ It was, indeed, impossible for them to do so. A return of the British admiralty of 20 October 1823 shows that the French fleet was concentrated off Cadiz and that some of their warships had even been recalled from the West Indies. Their presence in Europe was necessary, not only for blockading the Spanish coast, but to form the escort for the infants if they should go to America. It seems, therefore, a reasonable assumption that the fall of Cadiz, which took place on 1 October, represented the first date at which the project of armed aid to Spain to recover her colonies could even begin to be practically considered. It was just at that moment that Canning demanded explanations as to the intentions of France in the New World.

For Canning had now made up his mind. In a cabinet memorandum of February 1823, with which Liverpool agreed, he had intimated that we must prevent France from executing what she has already held out, the measure of putting at the command of Spain her fleets and her armies to assist the Spanish operations in South America.⁴ He wrote on 24 September :

That France meditates, and has all along meditated, a direct interference in the affairs of Spanish America has been shown by M. de Villèle's

¹ According to Villanueva, *La Santa Alianza*, p. 73, Ferdinand refused the Bourbon monarchy project on 11 January 1824. See also F.O. Spain 185/102, to Canning, no. 5 of June 1825. Lamb speaks of this as a fact, 'Don Carlos having, to my certain knowledge, said upon one occasion that he should prefer the total loss of Spanish America to the sight of his younger brothers upon a throne in that country and the King extending, as I am assured, the same amicable feeling to both His Brothers'. Rousseau, 'La mission de Talaru' in *Revue des questions hist.* xc. 111.

² Villèle, iv. 239-41.

³ Archives Étrangères, Angleterre, tom. 617, Chateaubriand to Polignac, 5 October 1823.

⁴ E. J. Stapleton, *Correspondence*, i. 87.

general language, and by M. de Chateaubriand's specific offers of succour (through M. de Lagarde),¹ and the accompanying despatches show that one mode by which they propose to paralyse our opposition to such projects, is the assembling of a Congress to deliberate upon the affairs of America.

He concluded that England must refuse to join the congress and must oppose 'by every exertion [i. e. by war] the attempt of France to put herself towards those Colonies in the place of the Mother Country', i. e. if a 'French army' were 'employed by Spain in Mexico'.² In instructions to his Mexican commissioners (10 October 1823) Canning wrote that, while not objecting to monarchy in Mexico, 'the [Mexican] negotiation' for a Spanish prince 'is to be carried on with Spain alone, and that no foreign force should be employed to conduct the Spanish Prince to Mexico'.³ On the same day he described the French designs on Spanish America as being 'notorious to all the world'.

What happened at the conference between Canning and Polignac all knew. Canning intimated strong suspicions of French designs in Spanish America, and not obscurely threatened to resist them by force. Polignac was finally induced to give a solemn pledge. 'She [France] abjured, in any case, any design of acting against the [Spanish] Colonies by force of arms.' This was circulated to the cabinets of Europe both in October and November, and also communicated later by word of mouth to the American representative in England.

It has been maintained that France had no objection to giving this pledge, since it was known already that she had no intention of interfering by force. The facts do not seem to support this view. Chateaubriand drew up a circular dispatch to the Neo-Holy alliance (Austria, Russia, and Prussia) on 1 November, informing them of this formal pledge.⁴ On 13 November he formally disclaimed any French designs on Cuba or on the Pacific coast of South America. Villèle, as prime minister, confessed to the British ambassador in Paris on 3 November that

¹ To Wellington, 24 September 1823, *Despatches and Memoranda*, ii. 137. This seems to refer to the French dispatch of 25 December 1822, which offered 'secours de tous genres . . . en faveur de l'Espagne'. It was in fact sent by Villèle before Chateaubriand assumed office.

² Wellington, *Despatches and Memoranda*, ii. 134, 137-8. Wellington however (23 and 25 September) expressed some doubts as to French designs.

³ To Hervey, 10 October 1823, in F.O. Spain 185/95; no. 7, Canning to Sir Wm. A'Court, 31 January 1824.

⁴ Colonies Espagnoles, Chateaubriand, *Œuvres*, xii. 398. Cf. F.O. France 146/54, Stuart to Canning, 13, 18, and 24 November 1823. On the 13th Chateaubriand assured him France would not countenance a proposed private enterprise to equip a naval and military expedition to Spanish America, and on the 18th denied that the French naval force was being increased in the West Indies and stated that the French ships at Cadiz were being paid off.

nothing would have been easier than to obtain a request in writing from the King of Spain for the departure of a joint French and Spanish expedition for Vera Cruz [i. e. Mexico]. That they were aware however that such a measure must have led to a war between the two countries, and that the return of the French squadrons to Brest had prevented all suspicion of such a project.¹

He confessed to having indulged the dream of placing Spanish princes on American thrones, but 'the utter incapacity of all the persons placed about them had shown such a measure to be impracticable', and that he now relied on a congress to establish the independence of these colonies. If projects of force had never been entertained, it is singular that neither Villèle nor Chateaubriand attempted to win the goodwill of England by disclaiming them before the Polignac conference. Villèle, in particular, was anxious to calm English fears and even, if possible, to obtain English co-operation. But he carefully avoided giving this pledge, which was the best means of doing so. Moreover, in spite of his disclaimers about Bourbon monarchy in the New World, Villèle went on playing with the project. In June 1824 he told Stuart he would like a Bourbon prince in Mexico, and he renewed the project in 1825.

France, having been forced to disclaim this design on her own part, evidently looked to the allies to help her to the same end in some other way. Hence her extraordinary persistence in demanding a congress on Spanish-American affairs. The project was perhaps first conceived at Verona, was broached to England in August 1823, and was met by Canning with extreme coldness.² It was revived by Polignac in October, when Canning stated that the United States must be a member, with the obvious design of preventing a congress from being summoned at all. Austria and France were horrified at this suggestion, and Polignac then conceived the ingenious design of checkmating England by getting Spain to summon the congress. The Spanish government

¹ See *supra*, p. 42 n. 4; F.O. France 146/54, Stuart to Canning 3 November 1823. But Villèle told Stuart he still hoped for a Bourbon in Mexico in June 1824; F.O. France 146/58, Stuart to Canning, 24 June 1824. It is worth noting that Villèle's statement about the ease of obtaining a request from the king of Spain appears to have been incorrect, at any rate at the moment. On 7 November (F.O. France 146/54) Stuart reported Chateaubriand as saying that Ferdinand had refused to send out the Spanish commissioners to Cuba on a French ship, and that in consequence no French ship would accompany them. On 4 December, however, Chateaubriand reported that Ferdinand had apparently changed his mind and solicited 'the assistance of the several Allied Governments (not France only) in troops, ships and money', but that the French ambassador returned the note, and the Spanish government withdrew it (8 December). F.O. France 146/54, Stuart to Canning, no. 625 of 4 December; no. 629 of 8 December 1823.

² F.O. France 146/56, Canning to Stuart, 19 August 1823, no. 68. It is perhaps more correct to say that France and the Neo-Holy allies approached Canning separately on the subject.

would invite her allies *proprio motu*, exclude the United States, which had already recognized the colonies, and make it more difficult for England to refuse to join.¹ Chateaubriand pressed on the idea, as did Villèle. On 2 November the latter wrote to Angoulême that the affair of the Spanish colonies was urgent, that England had dispatched four regiments and three seventy-fours to the West Indies, and might act while Spain deliberated. Hence it would be better not to disarm the French naval squadron, as it might be needed for transport of troops 'to some position suitable to influence the events that were preparing'.² Polignac, meanwhile, proposed to make England accept the plan of a congress by inducing Spain to proclaim freedom of commerce in her colonies before it met.³

The obstinacy of Spain discounted these hopes, for she at first refused to invite England, and when she summoned the congress at the end of December, she did it without issuing her edict as to freedom of commerce. This was delayed until February 1824. It would, in fact, not have made any difference and Canning formally refused to enter the congress on 30 January 1824. He was at pains to point out that he had already indicated such a refusal in his dispatch of 31 March 1823 and again in the memorandum of the Polignac conference (9 October). None the less his refusal was received with great surprise and chagrin both by France and by the Neo-Holy allies. They could not understand the refusal or believe that it was final. As Canning said of them on another occasion they implored us to 'cease our funning'. All sorts of expedients were tried: it should not be a congress but a conference, it should be held not at Paris but at Frankfort. The congress or conference, in its mutilated form (i. e. without England), actually began at Paris in March, and in that month Russia asked Canning to reconsider his decision; in April Chateaubriand was still regretting his absence and Metternich was telling him 'how happy he would be to see England in the Conference'. In May Canning was 'very irritated' by Polignac's renewed invitation, and on 4 July he finally refused a request of Metternich to reopen the congress question.

It is of peculiar interest that these efforts should have been made because the congress did, in fact, seriously discuss the question of aiding Spain to reconquer Spanish America by force

¹ Archives Étrangères, Angleterre, tom. 617, Polignac to Chateaubriand, 31 October, 6 December 1823.

² Villèle, iv. 496, to Angoulême, 2 November 1823. As has been seen above (p. 43, n. 1) on 3 November Villèle told Stuart nothing was to be apprehended from the French fleet, and on the 18th Chateaubriand stated that vessels were being paid off!

³ Villèle, iv. 517-18, Polignac to Villèle, 25 November 1823. Chateaubriand urged this measure on the ground that it would strengthen the anti-revolutionary parties in the colonies.

of arms. This impulse was not due to Metternich, who did not really care much about it, but to Russia, which now displayed an active interest in the question. But Russia, as Canning held, 'could not act alone', and France had already given the Polignac pledge. This memorandum was published by Canning in March 1824, and at a very awkward moment for France.¹ Rush made the interesting comment to Polignac that this publication would reassure his country with respect to France.² Bolivar, when he heard of the Polignac memorandum, wrote to the British consul-general in Peru (15 August 1824) saying that England's aid would enable Spanish America 'to defy the rage of European tyrants'. The Neo-Holy allies met in conference with Chateaubriand at Paris on 21 March, and first made him promise not to recognize the Spanish-American colonies. They then discussed the question of recovering them to Spain by force. Chateaubriand had to admit then that France could not interfere by force, because of Polignac's promise to Canning. On 19 April and 18 May desultory discussions continued. But on 11 June a serious development took place. Chateaubriand had fallen, and Villèle attended in his place. The discussion now centred round Cuba and Porto Rico. Peru, Chile, and Mexico had apparently receded into the background.

Villèle submitted to the Neo-Holy allies his proposed instructions to Donzelot, the French governor of Martinique. These authorized Donzelot to interfere either in Porto Rico or Martinique with 'des forces suffisantes toutes les fois qu'il sera question de réprimer un soulèvement contre l'autorité légitime ou contre une entreprise au dehors qui serait dirigée vers le même but'. He added that Porto Rico was easily attainable from Martinique, where French ships of war were posted. The Neo-Holy allies approved these instructions. They were of grave importance, for they constituted a direct violation of a pledge given some months before by Chateaubriand to the British ambassador in Paris that France would 'not interfere' in the struggle of constitutionalists and monarchists in Cuba,³ and apparently also the Polignac pledge 'not to act against the colonies by force of arms'. Had this decision ever been acted upon they could hardly have failed to produce war between France and England.

Just at the moment that France received encouragement from the Neo-Holy alliance to intervene in favour of Spanish legitimacy in Cuba, she incurred the suspicion of playing a similar game on

¹ Canning claimed afterwards that 'Publication cut the knot of this twisted policy, and from that moment, it would have been nonsense to think of confidence between France and us, as to Spanish America' (15 November 1824, to Granville, in Stapleton, *George Canning and his Times*, p. 403).

² Archives Étrangères, Angleterre, tom. 618, Polignac to Chateaubriand, 2 March 1824.

³ F.O. France 146/54, Stuart to Canning, 7 November 1823, no. 575.

her own account in the Pacific and in Brazil.¹ Though temporarily paid off, the sailors were reassembled, and two French naval squadrons were in fact dispatched to influence events in these two areas. A French brig of war arrived off Valparaíso in July 1824 and sent a corvette to Quilca on the coast of Peru, 'the only port to which access could then be had to Cuzco, the Head Quarters of the [Spanish] Royalist party in Peru', and there landed two royalist officers. In mid-August a French seventy-four arrived at Valparaíso with two more royalist officers and two French captains who proceeded to Santiago. The connexion intended to be established with the royalist army in Peru is evident. The British naval squadron already there acted with perfect neutrality and merely protected British persons and property. But it cannot be contended that the French squadron acted in the same way. It might be argued that it was there to interfere 'by force or by menace'. It is at any rate quite clear that it had committed 'an unneutral act'.² Not only revolutionary Peru but Chile also was much alarmed by the French squadron. The excitement was allayed by the publication of the Polignac memorandum papers, which produced a profound effect in Chile. 'The reception they have met with', wrote the British consul to Canning, 'has been of the most enthusiastic description. One instance alone will suffice for the Fact. You, Sir, are styled even in the Senate, by all the Officers of State, the Redeemer of Chile.'³

In Brazil French action was also open to suspicion. As we have already said, Neuville had offered armed aid to Portugal against Brazil in 1823, but Portugal had refused. In January 1824 a French naval squadron appeared off Rio.⁴ It was stated by Sir Charles Stuart to have proffered French aid to protect the person of Don Pedro, and suspected of having offered to put down the revolutionary party. Stuart at least had no doubt that this was the design,⁵ and there is some confirmation of it from the Vienna archives.⁶ The hostility of Don Pedro to the French, however, rendered the design abortive.⁷

¹ See the anonymous communication to Canning from Boulogne, 3 April 1824, in Stapleton, *Correspondence*, i. 220.

² i. e. by French carrying Spanish officers with dispatches and still more by agents provocateurs. See Canning, 8 July 1825 in Stapleton, *Correspondence*, i. 279-80.

³ F.O. Chile 16/1, Nugent to Canning, 30 July 1824.

⁴ F.O. France 146/57, Stuart to Canning, 27 January 1824, no. 56.

⁵ F.O. France 146/58, Stuart to Canning, 21 May 1824.

⁶ Wiener Staatsarchiv, Berichte aus England, Neumann to Metternich, 30 April 1824.

⁷ French intrigues in Brazil continued with the view of counterworking English influence in 1825 (see F.O. France 146/74, Canning to Granville, 13 September 1825, no. 65); they did not necessarily imply the use of force. There were further French intrigues in 1824 in Mexico, and in Buenos Ayres. Planta, the British permanent

Intrigues of this kind for securing French ascendancy, which might lead to forcible intervention, were everywhere, and they reached their height in Cuba. After the Polignac conference the danger of sending out from Europe a French naval squadron with Spanish troops or *infantas* was evident, for England could intervene and prevent them. It was therefore advisable to get England into the congress. It would then be very easy to create an incident, produce a *fait accompli* by landing troops. It would be hard for England, if once in the congress, to oppose it. French men and ships could be (and were) smuggled out piecemeal to the West Indies or to Rio, and then, on the pretext of restoring order, troops or marines could be landed to effect a reaction in Cuba before England could interfere. Donzelot's instructions actually authorized him to do this in Cuba, if the revolution threatened the monarchy. The approval of the Neo-Holy alliance made it certain that French action would at least have their moral support. It could be maintained that the French troops were simply restoring order, and, once established in Cuba, they could indefinitely remain there. The French anxiety to act in Cuba was further strengthened by the practical recognition by England of the independence of Mexico, Colombia, and Buenos Ayres (31 December 1824). Polignac was particularly agitated to discover that Canning had offered to guarantee Cuba to Spain in April 1824, for he thought that meant an occupation by British troops. In fact it did not: the offer was simply one of maritime protection. It had been refused by Spain, but Polignac thought she would accept a similar offer from France. Polignac was also much afraid that the United States might occupy Cuba. What Polignac desired was that England should acquiesce in France's forestalling the United States by garrisoning the island with French troops. He would not be surprised if France concluded a convention to that effect with Spain. 'There was already in the West Indies a [French] force sufficiently strong to do this. . . . Indeed if any good was to be done no time was to be lost.'¹ In point of fact the French forces in the West Indies were inordinately large. Shortly afterwards a French naval squadron crossed the Atlantic and arrived in Cuban waters on the pretext of collecting a debt from Hayti.

If we bear these opinions in mind the next action of France is highly interesting. For Donzelot not only took upon himself to entertain and to ration a Spanish force going to Cuba, but under-secretary, said, 'They [the French] are confident of being able to produce revolutions [i. e. reactions] in Peru, Mexico, and perhaps in Buenos Aires' (F.O. 97/169, 20 February 1824, Goldsmith reporting Planta's conversation).

¹ Foreign Office Library, 'Spain, 1824-5', conversations with Polignac, 6 March; and also 17 January, 26 February 1825. On 17 April he was asked for information by Damas on the view of the British ministers.

actually escorted them from Martinique on their way thither with French ships. Canning heard of this and at once remonstrated at Paris. Damas, the foreign minister, tried to minimize the incident, but 'gave the impression, though he did not venture to say so, that he thought foreign aid should be afforded to Spain for the defence of her remaining colonies'. Villèle was more indiscreet, for, while denying that Donzelot had been intended to give 'naval protection to Spanish troops on their passage to the Havannah',¹ he unwisely disclosed the fact that he 'had been authorized, if the Government of Cuba requested a military force to assist in the internal repression of disturbance in the island, to afford assistance for that object, but not to aid in repelling exterior aggression.'² Canning sternly replied (12 July), 'It is fit that the French Government should understand that no plea whatever could justify, in our eyes, the introduction of a French military force into the Spanish islands'. Damas then gave formal assurances that Donzelot would not be permitted in future to convoy Spanish troops and that no French troops would be landed in Cuba.³

Canning then asked France to enter into confidential communication with him regarding the best method of guaranteeing Cuba to Spain. France had already declined a suggestion on the part of the United States to guarantee Cuba to Spain if the latter would grant independence to the Spanish-American colonies. Canning now proposed either an exchange of notes or a tripartite agreement on Cuba which should include the United States. The three powers were to give guarantees of disinterestedness, and to promise to introduce no military force into Cuba or other Spanish insular possessions. 'Nor will they see with indifference any attempt at the introduction of any such force by any other Power that is, like themselves, at peace with Spain.' Damas promptly declined this negotiation (25 August) and refused to reopen it (29 August).⁴

France had two reasons for refusing to give any such guarantee. The plan proposed by the United States had already been

¹ Canning wrote, 19 April 1825 (Stapleton, *Correspondence*, i. 265), that he thought Polignac wanted 'to hint at the possibility of the occupation of the Havannah by France'.

² Canning must have been specially angry at the French design to establish legitimacy in Cuba because in February and March 1824 he had interviewed Quiroga and other Spanish exiles in England and informed them that he would not permit them to stir up revolution in Cuba. F.O. 97/169, Goldsmith to Canning, 24 February, 3 March 1824; and this fact was known to the continental diplomatists (see Wiener Staatsarchiv, Berichte aus England, Neumann to Metternich, 9 April 1824).

³ F.O. France, 146/73, Canning to Granville, 31 May, 12 July, no. 50; 146/68, Granville to Canning, 6 June, 18 July 1825. The latter gives the formal assurance.

⁴ *Ibid.* 146/73, Canning to Granville, 1, 19, 23 August; 146/68, Granville to Canning, 11, 25, 29 August 1825.

discussed and unanimously negatived at the Neo-Holy alliance conferences at Paris. It is a curious fact that at none of the three meetings on this subject was it proposed that France should assist Spain in Cuba,¹ though a year before the conference recommended such a course. It is the more curious as Villèle told Granville in January 1825 that the Emperor Alexander 'had determined to send troops, ships and money to the assistance of Spain, but had been dissuaded from that intention by the representations of the Allies'.² It is certain that Metternich, who had visited Paris in March, took a strong line in protesting against forcible intervention in Spanish America. However that may be, France could not now negotiate with either England or the United States on the subject of Cuba without obtaining the consent of her allies. But her avoidance of a tripartite agreement left room for some suspicion of her motives.

Canning wrote privately to Rufus King, the new American minister, and pointed the moral. If Donzelot had been attacked by, say, a Colombian frigate he would have had to defend his convoy, 'and that would have been neither more nor less than an act of war against that enemy—viz. against the New States of Spanish America'. Doubtless Donzelot 'did not see that he was thus putting the peace of the maritime and Colonial world to hazard'. It was true that he had not been authorized to convoy Spanish troops to Cuba. But 'surely might Donzelot [not] conceive that the order, in a given case, to occupy the island of Cuba, with a French force, implied, if it did not actually involve, an injunction to assist the Spaniards to occupy it themselves?'

There is, he went on,

such an insensibility to the real state of things in the Colonial World, and such a looseness and precipitancy, such a promptitude to act upon impulse, without weighing possibilities and combining results, that I protest I never feel quite assured that I may not, on rising up in the morning find that a French force has landed at the Havannah, in consequence of some order hastily given, for contingencies ill-defined; or of some discretion indiscreetly reposed in the judgment of a local commander.

And previously he wrote:

France is swayed so much by the humour of the day, and proceeds in a course of policy so devious and vacillating, that she is really capable of *blundering* into a maritime war, without having seen its danger, much less calculated its consequences.³

¹ The *résumés* of these three conferences are printed in *American Historical Review*, xxii. 608-16. They were held respectively on 19 April, 26 June, and 17 July 1825.

² See Canning to Granville, 14 January 1825, in Stapleton, *Correspondence*, i. 232. Canning did not believe Villèle.

³ F.O. America 115/45, Canning to Rufus King, 7 August 1825, confidential.

He wrote privately and even more freely to Granville, 'I confess I have my doubts, whether it was not (a prescribed, I will not say. but) a permitted experiment, to see how far a French force might be incidentally and imperceptibly shipped into the Havannah'.¹ In view of the approval of Donzelot's instructions by the allied conference at Paris this suggestion is at least plausible.

Towards the end of 1825 the susceptibilities of the United States were aroused about Cuba, and strong remonstrances were made by their minister Brown at Paris. Rufus King made some overtures as to a joint remonstrance at London. Canning loftily declined. 'We have [he said] long ago required and received ample explanations' and a renewed remonstrance would weaken the British case. He sourly remarked 'it is not Great Britain's fault' that the tripartite engagement was not arranged last year (1825). If entered into, it would have spared France the American remonstrance and the United States the need of making it.² He rejoiced, however, privately that Mr. Brown's remonstrance at Paris was 'as pert a note as one would wish to see'. Canning had already seized the cat, and Brown now effectively 'belled' it.

Even as late as December 1825, in his instructions to Ferronays at St. Petersburg, Damas found it advisable to repeat that France would lend neither money, arms, nor ships to Spain to reconquer her colonies, and on 10 February 1826 he gave the same instructions to Madrid.³ These dispatches mark the end of any serious French designs on Spanish America.

The net result seems to be this. France was always 'willing to wound and yet afraid to strike'. It was tempting to pluck the fruit, but it was no use until the pear was ripe, and it never ripened. No serious attempt was possible until the fall of Cadiz, for Alexander was lukewarm and the sentiments of the king of Spain were not known with certainty. Then on 9 October 1823 in his conference with Polignac Canning nipped the possibility in the bud and destroyed the hope of new Bourbon thrones in the West. After that the French design was confined merely to intrigue, as in Mexico and Buenos Ayres, or to intervention 'to restore order', as in Cuba and perhaps in Brazil and Peru. Cuba was well chosen from the point of view of effecting a *coup de main*, as the French had plenty of troops at hand. Further, though a revolution was feared, it had not actually broken out, and a sudden

¹ Stapleton, *Correspondence*, i. 277 (21 June 1825).

² F.O. Spain 185/105, Canning to Lamb, nos. 1-2, of 25 January 1826 with enclosure; Canning to Granville, no. 92 of 27 December 1825, and 9 January 1826; Granville to Canning, 2 and 5 January; and Canning to Rufus King, 10 January 1826.

³ Villanueva, *La Santa Alianza*, 119, 237. The tripartite agreement was suggested in August 1825. England, the United States, and France were to disclaim all aggressive designs on Cuba. For different reasons the two latter refused. France, *Archives Étrangères, Espagne*, tom. 735, Damas to Moustier, 10 February 1826. See pp. 37-8 above.

descent of French troops in aid of legitimacy might have created a *fait accompli* which England might have had difficulty in undoing. And Cuba, once garrisoned with French troops, was an admirable base for legitimist enterprise against Mexico and Colombia. The popular effect of the publication of the Polignac memorandum in March 1824, the prompt action by which Canning obtained a disavowal of designs on Cuba in July 1825, the remonstrance of the United States at the close of the year on the same subject, put an end to all further projects.

It does not seem possible to deny that there was something in those designs. France, humiliated in 1818, still timorous in 1820, was flushed with victory and defiant of England in 1823, and anxious to re-establish her prestige in the New World. Chateaubriand had something in view with his ideas of French naval escort and French loans to the Spanish princes, to which Villèle added a 'few French troops'. France, indeed, gave assurances to England against the use of force, but it has been shown that they were not such as would have been observed had she dared to break them. In the case of Cuba, the specific assurance given in 1823 was actually violated in 1825, and it does not seem uncharitable to suppose that French ministers were ready, if opportunity offered, to violate the mere pledges of the Polignac memorandum. The ultra party in France was for intervention in Spanish America if possible. This party increased during the years 1823-5 and caused embarrassment to the more prudent Villèle. The chief influences were Monsieur (afterwards Charles X); Madame du Caylas, the mistress of Louis XVIII, who dabbled in South American stocks in both Paris and London in the hope of overthrowing revolution; Franchet d'Esperey, the important chief of police in Paris; and Polignac, the ambassador in London, to whose suggestions Chateaubriand always paid extraordinary deference. Behind them all was the furious and intriguing Pozzo. It was not safe to disregard them, more especially after Monsieur became king in 1824, and their secret views, and perhaps their secret instructions, perplexed or encouraged agents and governors in the New World in aggressive courses. Probably a British agent in France was in the right when he wrote, 'M. de Villèle and M. Corbière are not at all disposed to go to war about the Spanish Colonies but the occult government are very much inclined to it'.¹ This conclusion

¹ F.O. 97/169, Lewis Goldsmith to Planta, 31 January 1825. Other evidence also makes it pretty clear that Polignac at times acted in England on his own authority, or probably in deference to secret instructions from the court. Hyde de Neuville in Portugal certainly did so, and eventually had to be disavowed and recalled. The foreign minister, Damas himself, apparently knew nothing of some of the intrigues at Rio during 1824-5, and Granville stated his opinion that 'a secret, perhaps verbal, instruction unknown to Damas was sent from Paris' (F.O. France 146/69, Granville

seems borne out by the fact that Polignac tried to disavow the memorandum of his conference and to prevent its circulation to diplomatists in 1823. Even after his conference with Canning he suggested to Chateaubriand on 12 December 1823 that it would be suitable 'to propose to the European powers to associate themselves with Spain to reconquer her oversea possessions'.¹ He also showed excessive eagerness about Cuba in 1825. At the end of that year Canning wrote as follows :

The spirit of encroachment on the part of France is as much alive as at any former period of her history, and some day or other, and on some point or other, we must, I am afraid, meet and check it. But the day and the point must be well chosen. So long as Villèle continues at the head of the ministry, I think he will avoid war if he can ; but I do not think that he would, or perhaps could, make any considerable concessions, against the popular feeling of France, for that purpose. If the ultras come in, if Chateaubriand for instance, or Montmorency or even Polignac (smooth as he appears) were called to the guidance of affairs, we should have a war upon the first material question, or point of honour, that they could find.²

As to Polignac's future designs Canning, at any rate, was right. For in 1829 he brought before the French Cabinet his plan for annexing part of Belgium, and was about to make 'an armed demonstration on the Belgian frontier', when revolution overthrew him in 1830.³ The upsetting of the treaty of Vienna by France alone in 1830 was certain to lead to war with England. Yet it is conceivable that armed French intervention in the New World, supported by the Neo-Holy alliance, might not have done so in 1823. So it seems fair to suppose that a design, with which Villèle and Chateaubriand certainly dallied, was seriously entertained by the ultras. The chief difficulty was produced by the Polignac abjuration of 9 October 1823, which made it, in fact, much more difficult to execute or to revive any such scheme.

The part of Canning is more difficult to estimate. His failure to prevent France from invading Spain in 1823 made it essential for him to appear to have prevented any similar attempt on Spanish America. Hence he was inclined to exaggerate the importance of such designs, in order to obtain popular credit for defeating them. The Spanish Americans were probably capable to Canning, no. 201, 26 September 1825. Similarly M. Rousseau (*Revue des questions hist.* xc. 111) is unable to account for a *démarche* of General Bourmont in 1824 in Spain except on the hypothesis of secret instructions which are not extant.

¹ Archives Étrangères, Angleterre, tom. 617, Polignac to Chateaubriand, 12 December 1823.

² *Hist. MSS. Comm., Bathurst Papers*, p. 596, Canning to Bathurst, 7 December 1825. The allusion is to French projects in the Gambia and New Holland, and as to one of these Canning thought the evidence authentic ; see *ibid.* p. 597.

³ See Omond in *Cambridge History of British Foreign Policy*, ii. 122-4. See also *Journal of H. E. Fox*, fourth Lord Holland (1923), p. 348, 6 July 1829, where Bunsen says Chateaubriand advocated a French seizure of Flanders.

of defending their own independence, but neither cabinets nor military experts in Europe were convinced of this fact. The public both in Europe and America were even more alarmed. Canning used the Polignac memorandum and Monroe's message to discredit the allies and to pour ridicule on the congress system. In this attempt he was successful, though somewhat disconcerted by Adams's proclamation of the Monroe doctrine and by its popular appeal in America. But Canning eventually obtained the chief credit among South Americans. If it be, indeed, true that Canning rendered no service to Latin America by saying 'Hands off' to Polignac, his diplomatic success would really have been greater than if there had actually been danger of French aggressions. It would not be the case that he was Shakespeare's gimcrack Achilles, using empty words and boasts and claiming credit for deeds that were not his, but his predecessor's. Words sometimes are as important as deeds, and a popular appeal occasionally produces great diplomatic results, and this occasion was one of them. In this view, Canning's stroke, by a masterpiece of diplomatic 'bluff', discredited France and exalted England with the public of Europe and America. Such methods are not scorned by diplomatists, though we may consider them neither very reputable nor very scrupulous. But Canning did not so regard his own action. There can be little doubt that he himself thought that he had rendered a real, and not a theatrical, service to Spanish America, and there is, at any rate, a possibility that he was right.

HAROLD TEMPERLEY.

The Dorchester Labourers, 1834

THE case of *R. v. Loveless and others*, heard at the Dorchester Spring Assizes on 17 March 1834, is still regarded as a good authority on the true interpretation of the Unlawful Oaths Act, 1797. The relevant section of that statute is one which adjudges as guilty of felony persons who administer, or who aid or assist at the administration of, any oath or engagement purporting to bind the person taking the same to engage in any mutinous or seditious purpose ; or to obey the orders or commands of any committee or body of men not lawfully constituted ; or not to inform or give evidence against any associate confederate or other person ; or not to reveal or discover any illegal act done or to be done. Its preamble recites that the need for such legislation had arisen through the attempts of wicked and evil-disposed persons to incite his majesty's forces and others of his majesty's subjects to mutiny and sedition. It was held in *R. v. Loveless* that the preamble does not limit the orbit of the statute to oaths administered for the purposes of mutiny or sedition ; that any association the members of which are bound by oath not to disclose its secrets is an unlawful combination (unless expressly declared by some act of parliament to be legal) for whatever purpose or object it may have been formed ; and that therefore the administration of an oath not to reveal anything done in such an illegal society offends against the statute.

The legal importance of *R. v. Loveless* has, however, long since sunk to insignificance. The Unlawful Oaths Act has never been repealed, but it is obsolete. On the other hand, the case fills a niche in English social and economic history. No trial throws more vivid light on the conditions which led to the growth of trade unions, and on the difficulties which their pioneers had to overcome.

For the facts we are fortunate in having accounts of the trial in two recognized law reports—*Carrington and Payne*¹ and *Moody and Robinson*.² A useful supplement to the law reports is *Hansard*,³ especially the speeches of Thomas Wakley, M.P. for

¹ vi. 596.

² i. 349.

³ (1834) xxii. 725, 733, 860, 938 ; xxiii. 119-25, 312 ; (1835) xxviii. 172, 1235-73 ;

Finsbury, who had access to and quoted from original letters written by George Loveless. The fullest narrative, however, is that contained in Loveless's own pamphlet, *The Victims of Whiggery, being a Statement of the Persecutions experienced by the Dorchester Labourers*, which was published under the direction of the central Dorchester committee in September 1837.

In the late summer of 1833 agricultural labourers in Dorset heard from their employers that their weekly wages, which had been 9s. and 8s. but were then 7s., were to be reduced to 6s. The average English agricultural wage at this date was 9s. 4d. It was a period of falling prices, and it is conceivable that the reduction involved only a small decline in real wages. Any fall, however, meant much to homes as poverty-stricken as the country cottage of the thirties. Among the labourers in the parish of Tolpuddle, a village some seven miles by road out of Dorchester with 349 inhabitants according to the census of 1831, were James and George Loveless and Thomas and John Standfield (or Stanfield). They had been in the employment of a Mrs. Northover for several years past. She testified later to their being 'all honest and industrious men'. George Loveless was a man of twenty-eight with a wife and three children. He was a Wesleyan preacher, and out of a wage of seven shillings had bought for himself 'a small theological library'. One of these four men wrote to London to inquire from the recently formed Grand National Consolidated Trades' Union, then on the full tide of power and popularity, as to the best way to resist the proposed fall of wages. In October 1833 two delegates visited Tolpuddle and explained how effective processions and meetings of working men had proved in London, and urged their hearers to organize a society among the Dorset labourers. The Lovelesses accordingly formed in November 1833 a union which was called sometimes the Friendly Society of Agricultural Labourers and sometimes the Agricultural Union. Their chief colleagues were the two Standfields (father and son), James Hammett (or Hemmett), and James Brine. All six were, in the language of a barrister who was present at the trial, 'of the poorest set of agricultural labourers'. Even the spelling of their surnames is doubtful. Loveless is printed 'Lovelass' in the more important of the two law reports, and is given elsewhere as Lovelace. The men's characters were good, though one is said to have taken a piece of old iron valued at fourpence from a farm-yard at the age of twelve and to have been sentenced in 1829 to four months' hard labour for that offence. Their aim was 'to maintain the wages of farm servants'. Members of the society were asked to pay an

xxx. 253, 393. For an account of the case and references to contemporary newspaper reports see S. and B. Webb, *Hist. of Trade Unionism*, chapter 3.

entrance fee of a shilling and a weekly subscription of a penny. Propaganda in such a cause found fertile soil, for six shillings a week could hardly keep a worker's family even according to the most primitive standard of living, while in other counties where agricultural labours had joined the Grand National Union, wages had risen to ten shillings.

Arts which now seem supremely ingenuous were practised in order to give the union a hold on simple men's imaginations. Two labourers called Lark and Legg were approached by Brine while they were threshing. They were taken by Brine to Thomas Standfield's house at Tolpuddle on 9 December 1833. Their eyes were blindfolded with handkerchiefs. A passage was read from the Bible. The men knelt down and an oath, the precise nature of which could not be established in evidence, was administered to them. They rose to their feet and were unblinded. A life-size sketch of a skeleton, previously made by a village painter, was shown to them, and James Loveless, who was dressed in a white surplice, said, 'Remember your end'. The Bible was kissed. The skull and crossbones had been commonly used as emblems of trade unionism by Glasgow spinners since 1825, but in Dorset they did not necessarily connote violence. Everything points to the conclusion that the oath was merely one of secrecy. Edward Legg, when called as a witness, stated that 'it was something about keeping secret what was done by the society'. The object of the society was indeed nothing worse than to combine for the purpose of collective bargaining, and such an object had been lawful since 1824. Legg said, 'They told us something about striking. Nothing was said about the time when we should strike.' It was not suggested at the trial that the members contemplated intimidation or threats or any unlawful action or that they were seditious or socialists. In Dorset practically no step beyond taking the oath of initiation had been taken before the arrest of the leaders.

The local farmers were alarmed by the spread and spirit of the movement. It was no longer possible to punish any one merely on account of his membership of a trade union, even if the union were an illegal society as being in restraint of trade. Other offences of a statutory origin were therefore recalled to mind. On 21 February 1834 placards were issued reminding labourers of the Unlawful Oaths Act, 1797, and of the possible penalty of transportation for seven years which a breach of its provisions might involve. On 24 February at daybreak the six leaders were arrested by a constable. George Loveless had a copy of the recent placards in his pocket. The only document used by the prosecution of the trial was found in the workbox of Mrs. Betsy Loveless; the key of the box was in the possession

of her husband George. This was a paper containing what purported to be the 'general rules' of the General Society of Labourers and what was alleged by the Crown to represent the scheme of the Dorsetshire society. It is possible in fact that they merely represented a stock form of trade union rules. Lodges and committees were thereby organized, and contributions were stated to be payable 'to support those who quit their work when desired by the Grand Lodge'. Secrecy was to be compulsory. 'No man should work along with any man who acted contrary to any rule presented by the Grand Lodge.' No one was to be admitted to meetings when drunk. No obscene songs or toasts were to be allowed. Violence and all breaches of the law were reprobated.

The prisoners were lodged in the 'miserable dungeons' of Dorchester and had their heads shorn.¹ The indictment charged them with 'feloniously administering . . . a certain oath and engagement purporting to bind the person taking the same not to inform or give evidence against any associate . . . charged with any unlawful combination or any illegal act done or to be done ; and not to disclose any illegal oath which might be taken'. Put shortly, the felony simply consisted of the administration of an unlawful oath. Thanks to Wakley's speech in the house of commons, we know the exact words of Mr. Baron Williams's charge to the grand jury. He said to them,

It has been observed by moralists, among whom I may mention Dr. Paley, that a frequent and familiar administration of an oath even for purposes of justice is much to be regretted, and if there be any truth in such an observation, how much more applicable is it [to] the administration of an oath, which places the party in so doubtful a state of morals that a casuist would be puzzled to decide what course the party ought to pursue.

So singular a charge arouses interest in Williams's history and character. He was known as a classical scholar, had written articles for the *Edinburgh Review*, and was reputed 'an adept in the turn of a Greek epigram'.² He was in great favour among the whigs, and had enjoyed a good practice on the northern circuit and at Manchester and Chester sessions. Brougham³ and Denman speak highly of his powers of cross-examination ; Denman counted him an 'old and familiar friend', and though he was eccentric on the bench and had 'the look of Punch in ermine', nothing that occurred at the trial seems to have affected his popularity with the bench or bar.⁴ He had been appointed baron of the exchequer on 28 February 1834, and this was his

¹ *The Victims of Whiggery* (1837), p. 4.

² Foss, *Judges of England* (1870), p. 744.

³ Brougham, *Life and Times* (1871), ii. 386.

⁴ Arnold, *Denman* (1873), ii. 18, 216.

first assize. Apart from the feeling shown in his charge to the grand jury and one observation made by him during the trial for which we have only Loveless's authority,¹ there is little to challenge in his conduct of the proceedings or in his interpretation of the law. It is rather his conception of the offence and of its proper penalty which excited the wrath of many of his own generation and provokes the horror of ours.

A true bill was returned, and on 17 March 1834 the trial took place. The Crown relied on the evidence of Lark and Legg. Counsel for the defence argued that the evidence as to the administration of the oath was vague and unsatisfactory; that the act applied to cases of sedition and mutiny only; that the Friendly Society of Agricultural Labourers was no more than 'a sort of agricultural savings bank out of which succour might come in time of need', and was at any rate not illegal. The judge directed the jury, who were, according to Loveless, all farmers and millers, to find the accused men guilty if they were satisfied that an oath or an obligation tantamount to an oath had been administered. He held that the statute was not confined to seditious and mutinous societies but extended to all of an illegal nature, and under another statute (39 Geo. III, c. 79) a society was illegal if its rules required an oath or engagement not required by the law. If the jury found the prisoners guilty of administering the oath, were they 'united in a society'? Loveless alleges that the judge also made the improper remark that a verdict of not guilty would lose the jury the good opinion of the grand jury. In any case no such risk was run, for the jury returned a verdict of guilty, and in answer to the specific question found that the prisoners were members of a society and bound by oath not to disclose its secrets. Counsel for the defence asked that the case might be reserved for the consideration of the judges on the ground that there was no evidence that the society was formed for illegal purposes. On 19 March Baron Williams stated that there was no room for doubt on the question of construction, and sentenced each of the six labourers, 'as an example to others', to transportation for seven years, the maximum punishment allowed by the statute. George Loveless was allowed to make a statement. He said,

My Lord, if we have violated any law it was not done intentionally. We have injured no man's reputation, character, person, or property. We were uniting together to preserve ourselves, our wives and our children, from utter degradation and starvation. We challenge any man or number of men to prove that we have acted or intend to act different from the above statement.²

¹ *Victims of Whiggery* (1837), p. 8.

² *Ibid.* p. 11.

Before transportation he wrote these lines to cheer his companions and his family.

God is our guide ; from field, from wave,
From plough, from anvil, and from loom
We come our country's rights to save
And speak a tyrant faction's doom.
We raise the watchword, liberty,
We will, we will, we will be free.

On 5 April the six labourers were taken in irons from Dorchester to Salisbury, and then to Portsmouth, where they went on board the *York* hulk ; thence they were moved to Spithead.

Meanwhile, in spite of the hard individualism of the day, public opinion had been deeply stirred by the severity of the sentence. On 26 March 1834 Mr. Hughes, the member for Oxford, presented a petition for mitigation from 1,563 constituents, who had signed during the short space of eleven hours. He himself had no sympathy with trade unionism, but Freemasons, Druids, and Oddfellows all administered secret oaths, and the law took no heed of their acts. The government was unbending, and one of its supporters (Hardy) hoped it would remain so. 'Of all curses that of the Trades' Union is the most abominable' ; he added that its exactions of levies from poor workers sometimes deprived them of a third or a fifth of their earnings. This view was held by many whigs. William Ponsonby, the local member of parliament who had acted as foreman of the grand jury, impressed on Charles Greville on 3 April, as soon as he had returned from Dorchester to London, that it was essential to support the judge's sentence. 'Any relaxation was impossible' because 'the lower and labouring classes had their eyes fixed' on the case, and an example was needed to stem the demoralization of Dorsetshire life. The alleged demoralization is summarized as follows : 'The distress not severe ; no political disaffection ; but a recklessness, a moral obtuseness, exceedingly disgusting.' ¹

It was nevertheless impossible to stem the flow of protests in the house of commons. On 14 April C. Berkeley presented a petition from Cheltenham which pointed out that the prisoners had erred through ignorance, and O'Connell and others spoke in the same cause. Colonel Evans compared their punishment with a sentence of two months' imprisonment passed on a master who had beaten a child to death. The government stated that the prisoners were already at sea, and remained obdurate. On 16 April petitions for review were presented on behalf of sympathizers at Hull, Yeovil, Gomersal, and Liverpool. On

¹ *Greville Memoirs* (1874), iii. 77.

18 April Major Beauchamp presented a petition of 20,000 Leeds people. 3,000 Marylebone men and women also appealed for mercy. On the other side, Lord Howick argued that the prisoners were sufficiently educated men to understand that they were acting illegally. 'Two of them have been accustomed to act as Methodist preachers.' A Sussex member said that the sentence had been a godsend, for it had caused the trade union movement in his county to disappear. Outside parliament the cause of the Dorchester men gained ground steadily, partly because the sentence seemed far too severe, partly as a result of much passionate declamation on the right to combine. Within the next fortnight petitions reached the house of commons from 'friends of the productive classes' and other inhabitants of Wolverhampton, Macclesfield, Loughborough, Sheffield, Nottingham, Walsall, Barnsley, Newcastle, Leicester, Bradford, Manchester, and Halifax.¹ Robert Owen's influence was then at its height in London, and a manifesto, based on his theories and saturated with what is now called syndicalism, summoned the London trade unions to meet on 21 April 1834 in Copenhagen Fields near King's Cross. The intention was to march to the home office in order to present a petition to the king through the home secretary on behalf of the Dorchester men. Their case was certainly founded on firmer grounds than Owen's rhetoric, and it did not become associated in men's minds with socialism. Hence, the 266,000 signatories to the petition included men and women of many different schools of political thought. Between 25,000 and 30,000 men mustered at White Conduit House by eight in the morning, carrying thirty-three flags and drawing a car 'decorated with festoons of blue and red calico' which bore the petition.² Owen and a parson called Arthur Wade, who appeared 'in full canonicals with his hood as doctor of divinity', organized the procession. Wade has been identified as vicar of St. Nicholas's, Warwick.³ The route of march was by way of Tottenham Court Road, Oxford Street, Regent Street, and Charing Cross to Whitehall. At midday the leaders were told by Phillips, the under-secretary at the home office, that Lord Melbourne would not receive the petition from a deputation of such proportions, but that he was willing to present it to the king if properly worded and if given to him in an orderly manner. The demonstrators had meanwhile crossed Westminster Bridge. They later dispersed on Kennington Common and returned in good order to their lodges without having shown any indiscipline or caused any tumult. Charles Greville dismisses the day with the description, 'Nothing could go off more quietly. . . . Mostly

¹ *Commons' Journals* (1834), pp. 171-267.

² *Annual Register* (1834), pp. 58-9.

³ Duncleley, *Melbourne* (1890), p. 162.

well dressed ; no noise or tumult ; a vast crowd.' ¹ Three days later Melbourne handed the petition to William IV. London trade unionists believed that it could not but impress king and parliament. *The Pioneer*, the magazine of the Grand National Consolidated Trades' Union, could point indeed with just pride at the impressive sight of these people 'walking unarmed to solicit the King to do an act of mercy'. The motto of *The Pioneer* was 'The day of redemption draweth nigh' ; its aim, the liberation of the poor 'from ignorance and slavery'.

For a moment a flame of hope roused the poverty-stricken masses of industrial England. They even put their faith in the 'reformed' parliament. On 28 April Joseph Hume presented petitions from Newcastle, Dundee, and Belfast. The Dundee signatories described the sentence as 'a direct blow at the working classes'. Bulwer Lytton, supporting the petitions, laid stress on the orderly and constitutional methods of the great London demonstration 'last Monday'. O'Connell read a letter from an eyewitness of the trial in which the admissibility in evidence of the alleged rules found in Mrs. Loveless's workbox was challenged. It had never been proved that they were produced or read when the oaths were taken. On 30 April J. A. Roebuck presented a petition from Chard. His three-halfpenny tract, *The Dorchester Labourers*, written a little later, is a very moderate plea for 'uninformed poor men unacquainted with the law', and recalls to the reader's mind the country's obligations to their class. 'Read any of the histories of our wars, and they will speak of the patience, the fortitude, the perseverance of the English soldier.' The savage enforcement of the criminal law in cases where no crime had been consciously committed was a sorry return for the valour of the humble men who had swept the hill of Albuera and climbed 'the embattled walls of Badajoz'.² That the persecutors should be whigs disgusted old champions of reform. 'The Whigs', wrote Sir William Napier to Roebuck on 25 January 1835, 'by their vile conduct in power have sacrificed their own character and destroyed the resources the people should have had to oppose the Tories with.'³

The government, however, was determined to carry out the sentence. On 25 May 1834 the Lovelesses left Spithead in the *William Metcalfe*, and on 4 September they were landed at Hobart Town, where they first worked in the chain-gang on the roads, and later were employed on farms.⁴ The other four were shipped in the *Surrey* and arrived in Botany Bay in August.

Owen had ceased to be a power in the country, and the Grand National Consolidated Trades' Union ceased to exist in

¹ *Greville Memoirs* (1874), iii. 79.

² Bruce, *Napier* (1864), i. 420.

³ *The Dorchester Labourers*, p. 4.

⁴ *Victims of Whiggery* (1837). p. 17.

August 1834, but the cause of the Dorchester labourers still remained alive at home. Its foremost exponent was now Thomas Wakley, a surgeon of conspicuous originality and initiative, whose zeal for the Dorchester men knew no bounds. Disraeli describes him in 1837 as 'fluent, flippant and vulgar, a second-rate hustings orator',¹ but he had energy, force of character, and a good case. Elected to parliament in January 1835, on 27 May 1835 he presented sixteen petitions, of which eight were from Dorchester. The others included a petition of 13,448 inhabitants of Stoke-on-Trent. He told the house how one poor woman whose husband, son, and two brothers had been transported was refused relief by the overseers as another son of hers was earning six shillings a week. The government's spokesmen were the attorney-general, who merely said that the law had been violated and that the sentence was valid, and Lord John Russell, the home secretary, who argued on whig first principles that agitation ought not to be allowed 'to impair the influence which that great institution, trial by judge and jury, ought to have in this country'. The prisoners were already on the other side of the world, and the utmost he would concede was the release of the Standfields, Brine, and Hammett, who were 'dupes of the two Lovelesses', at the end of two years.

Wakley accordingly pressed his motion that an address might be presented to the king to grant pardon to all six, and to order their recall. He spoke with great vigour, giving details not found in the law reports. He criticized the Crown for having challenged one of the jurymen, Bridle, a linen-draper, merely because he 'had heard Loveless preach in the Methodist chapel of Bere Regis'. He read aloud extracts from a letter written by the elder Loveless to his wife on the eve of sailing from Spithead: 'I shall never forget the promise made at the altar.' With simple piety this poor man asked his wife to bring up their children in the true spirit, and made no complaint as to his own lot. 'Be satisfied, my dear Betsy, on my account. Depend upon it, it will work together for good and we shall yet rejoice together. I shall do well, for He who is Lord of the winds and waves will be my support in life and death.' The Standfields had been separated in New South Wales, where life was very hard. Wakley showed how innocent the true objects of these men's organizing efforts had been. They sought nothing unlawful. However at fault they may technically have been by administering or taking oaths, the rules of their society were strong evidence of its peaceful and orderly intent. There was to be 'no drinking, no immorality, no conversation on politics or religion'. He quoted, 'The quality of mercy is not strained'; it was then less threadbare.

¹ Monypenny, *Disraeli* (1912), ii. 6.

Lord John Russell's reply is a monument of whig dialectic. 'No doubt every man has a right to put what price he pleased upon his own labour, but he has no right to dictate his price to another. What is to become of the industry and capital of the country if men are not to be allowed to make their own bargains for the sale of their labour at what they may think a fair price?' Hume said 800,000 people had signed petitions for the Dorchester men. Peel spoke shortly against the motion, which was defeated by 308 votes to 82 (25 June 1835). Of the 82, 7 were whigs, 12 Tories, and 63 radicals or independents.¹

Wakley, however, still strove for release. A London committee of sixteen workmen kept the agitation alive, and a 'Dorchester Labourers' Fund' was opened. Richard Hartwell, a compositor, was its first treasurer. In August 1835 5,000 inhabitants of Bristol petitioned parliament for the total remission of the sentences. On 14 March 1836 Wakley again pressed the case of the two Lovelesses, who were still believed to be undergoing their sentences. Lord John Russell answered with 'great satisfaction' that a free pardon had now been granted to all the six. Justice had won at last.

The government had at first intended, as Lord John Russell stated in May 1835, to withhold the royal mercy from the Lovelesses, but on 5 February 1836 they were relieved from undergoing convict labour, and this left only a short step to a free pardon. When it arrived in Australia there was still some haggling as to repatriation, but eventually in January 1837 all the six Dorchester labourers sailed for London. They arrived in June, and in August George Loveless wrote his pamphlet, *The Victims of Whiggery*, at Tolpuddle. It is a plain tale told without undue bitterness, and its picture of the honest abhorrence felt for the labourers by casual bystanders on the gun-wharf at Portsmouth who thought them 'idle lazy fellows', and by a prison chaplain who fancied that their attempts to combine were prompted only by a wish to ruin their masters, is convincing in its simplicity. The typical Englishman of 1834 deemed trade unionism immoral and subversive. Loveless's scorn for the whigs, whose votes on the Wakley motion are analysed, is now less interesting than the moral, 'union is power', which he draws from the vicissitudes through which he has passed. Very striking, too, is his protest against the indifference felt by many philanthropists who hated negro slavery towards the wrongs of the poor at home. 'When will they dream of advocating the cause of England's white slaves?' For this, men must wait till 'God in His good time bring it about'. The proceeds of the sale of the tract went to swell the Dorchester fund, which was used to

¹ *Victims of Whiggery* (1837), p. 32.

buy five small farms in Essex for five of the men, and a sixth in Dorset for George Loveless.¹ In February 1839 he was invited, as an act of courtesy 'and not by virtue of chartist zeal',² to sit as the only agricultural representative at the chartist convention held at London, but he did not in fact appear, and he and his companions drop out of history.

Their conviction appears to have been warranted by the language of the Unlawful Oaths Act, for it is still treated as a good authority in modern text-books on criminal law. That the law should have been invoked so ardently and enforced to the extreme limit of its penalties by a judge with whig sympathies and justified by a cabinet which included Grey, Melbourne, Russell, and Brougham, needs more comment. The truth is that the nascent trade unionism of the thirties had two great obstacles: first, the high barrier of economic theory which treated *laissez faire* as an article of faith; secondly, the difficulty which uneducated and inexperienced men will always have to encounter in seeking to found a new system of co-operation in a hostile world. The first obstacle is too well known to need much elaboration. Baron Williams himself said to the grand jury that combinations of labour were to be reprobated. 'When men unite themselves to such societies, the common right of labouring for whom they please is taken from them. I do not doubt that every means will be taken on your part for the prevention of this great mischief.' The sentiment underlying these observations seemed a mere platitude to the economists of that day. The admirable *Penny Cyclopaedia*, published by the Society for the Diffusion of Useful Knowledge between 1833 and 1843, contains no article on trade unions, but under the head 'Wages' a reader finds that

to the labouring classes at large combinations cannot be beneficial. The injury suffered by trade in consequence of the artificial limits to the supply of labour and the unnaturally high wages, must have the effect of diminishing capital and, consequently, the means of employing labour.

Such conceptions permeated all political and legal theory in 1834, and go far to explain why the whigs supported Williams's sentence on the Dorsetshire labourers.

The second obstacle—fallibility in leadership—was the inevitable result of the contemporary poverty and ignorance of the workers. Violence was associated with trade union activities in England and Scotland simply because no better method occurred to minds preoccupied with penury and oppression. It was the misfortune of the infant society in Dorset

¹ *Victoria County History of Dorset* (1908), ii. 261.

² Hovell, *The Chartist Movement* (1918), p. 122.

to bear an obloquy which was wholly unjustified by its own rules, aims, and actions. Its members had in fact only been guilty of a comparatively trivial mistake into which early trade unions had fallen, the adoption of oaths of secrecy. Such oaths were indulged in, partly perhaps to avoid the scrutiny of the public and the long arm of the law, but more often in order to fascinate the imagination of the illiterate. In a hostile tract of 1834 called *The Character, Object and Effects of Trades Unions*, we read how a London journeyman was 'so overcome by the ceremony he went through on his admission that he died in the agonies of raving madness'. Trade delegates were said to impose 'blasphemous and horrible oaths' on all members. The *Edinburgh Review* of the same year stated that 30 per cent. of the income of an average trade union was spent on regalia and initiatory rites. In the warm-hearted pages of *Mary Barton* (1848) an employer is marked out for murder after all present have taken 'one of those fierce terrible oaths which bind members of Trades Unions to any given purpose'. We have seen that the actual nature of the Dorchester oaths was never proved at the trial. The judge rightly ruled that their precise form was immaterial. Yet the *Annual Register* for 1834, with no fresh source of information, has no hesitation in describing them as 'partaking of mingled folly, superstition and ferocity'.¹

The only lasting legacy of the Dorchester labourers was a lesson as to policy which trade unionists in other parts of the country learnt from their afflictions. From this time they gave up their early attachment to secret oaths and to elaborate ritual. Such practices had not only led to breaches of the law, but they had fostered suspicion among the middle class and hostility in parliament. Their relinquishment involved the abandonment of no principle and the loss of nothing which really conduced to success.

That this small change should be the only fruit of so much suffering is disappointing to those who believe 'that the blood of the martyrs is the seed of the church'. Was it truly endured in vain? For many years the story of the Dorchester labourers served as a rallying call whenever reformers sought to arouse the enthusiasm and to awaken the sympathies of the labouring poor. Their undeserved punishment had indeed enlisted a volume of interest and kindness among educated people and in the press which, for 1834, was great and memorable. It cannot, however, be said that the agitation in their favour marked a real step forward in the history of trade unionism. It seems in no way to have hastened the slow movement towards its legal recognition. The belated release of the sufferers led to no local revival

¹ *Annual Register* (1834), p. 39.

of their cause. In 1837 Dorsetshire wages (7s. 6d. a week) were the lowest in England,¹ and for at least two generations afterwards the county remained an area where low wages were the rule and where the employed class continued to be wholly unorganized. Farm workers all over England lost interest in the idea of combination. Philanthropy ignored it. All Shaftesbury's wonderful humanity could not open his eyes to the impossibility of raising the worker's status so long as he had to rely only on his own personal bargaining capacity. During the following years trade unions developed their activities and improved their methods in English and Scottish towns, but they held out no hope and abstained from propaganda in the countryside. To them the story of the Dorchester labourers spelt defeat and nothing but defeat. It was not until Joseph Arch founded the Agricultural Labourers' Union in 1872 that the torch first lit at Tolpuddle in 1833 was rekindled. GERALD B. HURST.

¹ Hammond, *Shaftesbury* (1923), p. 90.

William Farrer

THAT England is the land of the amateur in historical scholarship is less true now than it was in the days, not very remote, when history was the most neglected of studies in Oxford and Cambridge and the new universities were as yet unthought of. The late Professor Freeman, before he succeeded Stubbs at Oxford, used to remark on the difficulty which foreign scholars found in understanding how an historian could do his work in the depths of the country and unconnected officially with any university. In the case of the purely local historian, this isolation is less surprising; but William Farrer, who died in Norway in August last in his sixty-fourth year, though best known by his *History of Lancashire*, was no mere Ormerod or Surtees with interests strictly limited to his own county. Like Robert Eyton, the historian of Shropshire, whom he took for his model, his historical curiosity carried him far beyond the bounds of merely local antiquities. As Eyton became the pioneer of Domesday study, Farrer's real distinction lies in his detailed researches in the lower ranges of the Anglo-Norman feudal hierarchy. His *Honors and Knights' Fees*, so far as it goes, supplies the under side of Dugdale's great work on the *Baronage of England*.

Farrer was the second son of William Farrer Ecroyd, a Burnley manufacturer and member of parliament for Preston, well known forty years ago as the apostle of 'fair trade'. After leaving Rugby, he entered the family business; but the death of a wealthy great-uncle, William Farrer, enabled him to retire from an uncongenial occupation at an early age, and in compliance with his uncle's will he took his name by royal licence. Henceforth he lived the life of a country gentleman; but, though fond of shooting and fishing, he found ample leisure for the studies to which he was naturally predisposed. Research into the genealogy of the Yorkshire and Westmorland yeoman stocks from which he descended¹ introduced him to the use of documents and a wider interest in local history. On the death of J. P. Earwaker in 1895, Farrer bought his extensive collections for a new history of Lancashire, and spent large sums in completing them. Between

¹ Burke, *Landed Gentry* (1921), pp. 547, 613.

1897 and 1913 he published, through local societies or at his own expense, more than a dozen volumes of the most important of these materials, Charters, Pipe Rolls, Court Rolls, Final Concords, Inquests, and Extents. He had incidentally the credit of discovering that the original returns for Cumberland and the Honour of Lancaster to the great Inquest of Service of 1212 are extant in the Public Record Office. The influence of Dr. Round's *Feudal England* and Maitland's *Domesday Book and Beyond* upon his work was shown in his pioneer articles on the Domesday survey of the regions comprised in the later Lancashire, which appeared in the *Transactions of the Lancashire and Cheshire Antiquarian Society*.

As originally planned, the new history was to end with the reign of Elizabeth, and publication had begun in 1903 with a *History of the Parish of North Meols*, when negotiations were begun which ended in the merging of the undertaking in the general scheme of the Victoria County Histories. This involved an embarrassing change of plan, much condensation in the medieval period, and continuation to the present day. The vast apparatus of foot-notes in the medieval sections of the Victoria History betrays Farrer's reluctance to sacrifice the matter he had gathered with such labour and expense. The appointment of a co-editor, Mr. John Brownbill, enabled the work to be pushed forward rapidly; the first volume appeared in 1906, and the eighth and last in 1914. Despite the lack of proportion already noted, which no student of the middle ages will regret, the *History of Lancashire* comes as near to the ideal county history as can be expected in a world of compromises. It is particularly valuable to the general historian, because Farrer had mastered the best current scholarship on the fiscal and economic systems of the middle ages, and was alive to the need of presenting any evidence that might throw light upon their intricacies.

The merits of the *History* had already secured recognition from the local universities. Liverpool made Farrer an honorary lecturer in local history, and Manchester gave him the degree of Doctor of Letters.

In turning to Yorkshire for a new subject, he was still guided by local connexion; but his introduction to the Yorkshire Domesday for the Victoria County History of that shire, and the three volumes of *Early Yorkshire Charters* (1914-16), were destined to lead him to a wider outlook on the facts of fiscal and feudal history. His analysis of the Domesday statistics of Yorkshire, and the north-western lands dependent upon it before the Conquest, suggested a new and bold theory of the carucate assessment of those regions and its relation to the obscure 'tenmantale' unit which, right or wrong, deserves more careful consideration than it has yet

received. The arrangement of the Yorkshire charters under the Domesday fiefs, few of which, and those not the most important, were confined to the county, gradually shifted his main interest from the documents to the general Norman distribution of baronial estates upon which they cast only a broken and local light. It was, therefore, perhaps not wholly the increased cost of printing which brought about the discontinuance of this undertaking, to the great regret of students of medieval diplomatic. They have some consolation for this loss in Farrer's publication in the pages of this Review of two valuable aids in the dating of Norman charters, an article on *The Sheriffs of Lincolnshire and Yorkshire, 1066-1130*,¹ and an *Outline Itinerary of Henry I*,² which was also issued separately with an index.

Farrer did not reach the conception of a general history of honours all at once. His first idea was to trace feudal descents, down to the fourteenth century, county by county, and he began with a *Feudal History of Cambridgeshire* (1920). But he soon became convinced that the characteristic scattering of the great Norman baronies over a larger or smaller number of counties made such a form of treatment, however attractive to local genealogists and so conducive to a ready sale, wasteful and unscientific. He therefore decided to ignore all artificial local divisions and to deal with each baronial complex of lands separately in all its ramifications. The plan of his last and most ambitious work, *Honors and Knights' Fees*, was time-saving because it was strictly logical; and though the task was greater than a man of sixty could expect to carry to completion (for did not Henry III, *teste* Matthew Paris, once recite to his courtiers the names of no less than 250 baronies?) the method of treatment ensured completeness in whatever portion should have been accomplished, when the end came. In the three volumes which Farrer lived to finish, the third of which will appear posthumously, eleven honours, including some of the largest, Arundel, Chester, Huntingdon, and Warenne, are dealt with.

The minute and condensed tracing of feudal descents does not make easy reading; but for students of the new England which the Conqueror created, these volumes, with their novel presentation of the facts, are full of information and suggestion. A complete feodary, for instance, of the honour of Chester in more than a score of counties outside Cheshire and counting some 140 knights' fees, gives a new freshness and reality to the 'excessive possessions and inordinate palatine jurisdictions' which made one Norman earl so formidable a figure in the anarchy of Stephen's reign, and his grandson a dreaded possibility as regent

¹ *Ante*, xxx (1915), 277 ff.

² *Ante*, xxxiv (1919), 303-82, 505-79.

for the young Henry III. Nor can the political relations between the English and Scottish Crowns in the twelfth and thirteenth centuries be fully appreciated without a clear notion of the stake the Scottish royal house acquired in England by Henry I's gift of the great honour of Huntingdon with its more than seventy sub-fiefs in eleven counties.

The genealogist, who has concerned himself far too exclusively with the sections of honours contained in his own county, will find much profit in a wider survey. It is not that he has been wholly unaware that branches of the same family were seated as under-tenants in widely severed parts of an honour; but he has either lacked the clue which would tell him where to look or, more often, he has shrunk from the labour of following it into a region unfamiliar to him. There are some notable exceptions of course, and, as regards the Lincolnshire fees of the honour of Chester, Farrer had been in part anticipated by Sir George Sitwell in his *Barons of Pulford*. Yet even here there was much left to glean.

Though he spent so large a part of his time at his desk, Farrer had the appearance of a man of the open air rather than of the study. Nor were his ways those of the professional student. He liked to talk over problems with friends of kindred tastes in his country home, but he had no taste for the intellectual intercourse of cities. He placed his vast local collections, and at one time his editorial services, unstintedly at the disposal of publishing societies, but he never attended their meetings or accepted active office in them. On the resignation of the presidency of the Chetham Society by the late Sir Adolphus Ward in 1915, it was unanimously offered to Farrer; but he absolutely declined to consider the offer, and was with difficulty persuaded to become an honorary vice-president. After he had taught himself the technique of research, he was never seen in the Public Record Office or in the British Museum, his ample means allowing him to call in professional assistance on a scale that made possible an amount of transcription which no single student could have undertaken.

His collection of transcripts, which included a number of those made by Christopher Towneley in the seventeenth century, was made freely accessible to accredited scholars. Apart from manuscripts, he had gradually accumulated what may well have been the finest private library in the country of books on local and feudal history. They were all working books, for he was no collector; and down to the day when he left England for what was fated to be his last holiday, he never ceased to use them for the benefit of other students and the advancement of knowledge.

JAMES TAIT.

Notes and Documents

Justinian and Amalasuntha

THE chronology of the years 533 and 534 has been discussed by Dr. Kohl,¹ Dr. L. M. Hartmann,² Dr. H. Leuthold,³ and Dr. Sundwall,⁴ and these scholars do not agree in their conclusions. I think that a different interpretation of a phrase of Procopius may remove some of the difficulties. The accepted view of the course of negotiations between Justinian and the Ostrogoths in these years seems to be in brief somewhat as follows : the bishops Hypatius of Ephesus and Demetrius of Philippi were sent together with the imperial envoy Alexander to Italy in 533 ; they all left Rome for Constantinople at the end of March 534. There followed a delay of some months before Justinian dispatched his new envoy Peter in the autumn of 534, although Procopius asserts that Peter left for the west directly after the arrival in Constantinople of the former mission. There are obvious difficulties in this view ; Alexander, we know, complained of the seizure of Libybaeum by the Goths from the Vandals and of their refusal to surrender the fortress on the demand of Belisarius ; but the Roman forces only set sail for Africa against the Vandal kingdom in June 533. How could Justinian before that time have obtained any knowledge of the Gothic occupation of Libybaeum which itself was clearly a result of the Roman successes in Africa ? Dr. Sundwall, it is true, endeavours to obviate this difficulty by supposing that a subsequent 'special commission' was given to Alexander by the emperor, but this supposition is excluded by the account of Procopius.⁵ The truth is, I would suggest, that Alexander only left Constantinople many months after the departure of the bishops. I would reconstruct the chronology as follows.

¹ *Zehn Jahre ostgothischer Geschichte vom Tode Theoderichs des Grossen bis zur Erhebung des Vitigis (526-36)* (1877).

² *Geschichte Italiens im Mittelalter*, i (1897).

³ *Untersuchungen zur ostgothischen Geschichte der Jahre 535-7* (1908).

⁴ *Abhandlungen zur Geschichte des ausgehenden Römertums. Översigt af Finska Vetenskaps-Societeten Förhandlingar*, Bd. ix, 1917-18, Afd. B. no. 2 (1919). Professor Bury, in the new edition of his *History of the Later Roman Empire*, ii. 162, has not considered the chronological problem.

⁵ Sundwall, p. 277, n. 1 ; Procopius, *B. G.* i. 3. 14-15.

The bishops left Constantinople in June 533—the letter of the emperor which they bore to the pope is dated 5 June 533¹—and travelled direct to Rome. Dr. Sundwall must be wrong in dating their arrival at Rome in May 533. Here they were delayed, since the pope's desire to return a favourable answer to the emperor was opposed by the senators who did not wish for too close a dependence upon Byzantium.² During their stay in Rome Theodahad broached to them his proposal to surrender Tuscany to the emperor upon terms. This explains the absence of any mention of Alexander in these negotiations, which has puzzled modern historians. Alexander, in fact, was not in Rome at the time. The battle of Ad Decimum, as Dr. Leuthold has shown,³ was fought in September 533; this victory opened the gates of Carthage to the Romans. Probably as a result of this Roman success the Goths in Sicily seized Libybaeum, and word would doubtless be sent of this seizure to Constantinople. Meanwhile though the palace at Durazzo was ready for Amalasuntha, though her treasure-ship lay in harbour there, the queen herself remained in Italy. Justinian had every reason to wish to know the cause of that delay. Libybaeum gave him his pretext: on receipt of the news of the occupation his envoy Alexander was dispatched to Italy. We know that in March 534 the pope at length gave his reply to the bishops; it is dated 25 March 534. Dr. Leuthold considers that at this time Alexander's mission was already completed; he had left the Gothic court, had travelled to Rome, and thus returned from Rome with the bishops to Constantinople. This is, I think, a misunderstanding of Procopius. A confusion has, I believe, arisen through the identification of 'the bishops of Alexander' (τοὺς ἱερεῖς αὐτοῦ, i. 3. 16) with Demetrius and Hypatius. If we do not make this identification, the course of events may be reconstructed without difficulty. The passage from which to start is i. 3. 13. Procopius has described the illness of Athalarich and the consequent alarm of Amalasuntha; he proceeds ἐτύγχανε δὲ Ἀλέξανδρος ἀνὴρ ἐκ βουλῆς σὺν τε Δημητρίῳ καὶ Ὑπατίῳ ἐνταῦθα ἦκων, i. e. 'it happened that Alexander had arrived at Ravenna together with Demetrius and Hypatius'. The latter had received their answer from the pope on 25 March, and we may thus place their arrival at Ravenna on their return journey at the end of March or beginning of April 534. With this point fixed the rest is simple. Justinian was not only anxious at the delay of Amalasuntha, his ecclesiastical policy had been brought to a standstill by the procrastination of the pope. Alexander is therefore accompanied by some eastern

¹ Cod. Just. i. 1. 8.

² Sundwall, p. 276; Langen, *Geschichte der römischen Kirche*, ii. 322.

³ p. 20.

bishops (i. 3. 16). The reply of the pope is to be regarded as the result of the arrival of this new mission. The eastern bishops who accompanied Alexander are left at Rome to continue Justinian's ecclesiastical propaganda. Alexander himself, together with Demetrius and Hypatius (i. 3. 13), starts north and arrives, as we have seen, at Ravenna. There follows the public discussion of the reply of the Gothic state to Justinian's diplomatic complaints. Meanwhile Amalasuntha's intrigue and her offer to surrender Italy to the emperor are the subject of secret conference. These negotiations may well have taken many weeks; it may have been full summer before Alexander and the bishops left Ravenna. There is therefore no reason to doubt the statement of Procopius that Peter was dispatched by Justinian to Italy on his return mission directly after the arrival of the envoys in Constantinople. I believe that Procopius was well informed on the course of this diplomacy, and that we have only to interpret aright his somewhat allusive account to establish a consistent chronology.

But if Hypatius and Demetrius were in Ravenna during the summer of 534, we may perhaps be entitled to make some further deductions. Episcopal tongues may well have been set wagging and Amalasuntha may have learned the secret of Theodahad. She could outbid the offer of Tuscany by throwing the whole of Italy into the scale. Procopius says that she did. Dr. Pflugk-Harttung, Dr. Hartmann, and Dr. Sundwall amongst others have doubted this statement. But Amalasuntha, with her son's death imminent, a woman and alone, was in a desperate position and she knew it; she could not afford the luxury of scruples. There follow the condemnation of Theodahad and the order to restore his ill-gotten lands. Theodahad should have the less wherewith to bribe Justinian. The weeks passed; Athalarich was sinking; she could not await Justinian's reply. Necessity makes strange bed-fellows; one traitor had need of another. Did she use her knowledge to bend Theodahad to her will? Did she feel herself secure in the possession of the secret which she alone shared with the king of her creation? It is tempting to think that the price at which she sold her silence was Theodahad's oath that he would be king in name alone.

NORMAN H. BAYNES.

Two Deeds about the Abbey of Bec

THE two following deeds have been copied by the kindness of Canon Dalton from fo. 153 of a register at St. George's, Windsor, known as the Liber Albus, written about 1450. It will be noticed

that some of the names have been misread by the scribe, as is common in late registers. The former of the two deeds is valuable because it is an addition to the charters of William I given in the *Regesta Regum Anglo-Normannorum* of Professor H. W. C. Davis. As it is attested by William, bishop of Durham, its date cannot be earlier than 3 January 1081, and if the absence of 'quondam' before 'uxor mea' were proof that Matilda was still alive, the date would be before 3 November 1083. But there is evidence which makes 1087 the more likely date. For in this deed Chester-ton, Henton, and Adwell are stated to be held by Hugo filius Milonis; while in Domesday (i. e. 1086) they are held by Willelmus. But in the *Chronicon* of Abingdon¹ we learn that Hugo filius Milonis was alive in 1116 or 1117, evidently a knight under Brian fitz-Count. It seems, therefore, that this deed is later than Domesday. The second document is of less interest, but it is sufficiently early to be of value. It appears to be after the death of Milo Crispin, but before the death of Richard fitz-Reinfrid, and therefore of about the year 1110. H. E. SALTER.

I

Sicut nobis ad dandum elemosinam expedit esse promptos, ita ad confirmandum quod datur, si quando aliqua occasione auferri potest, oportet esse sollicitos. Iustum enim est ut in quantum possibile est perpetuum fiat quod tribuitur, cum certum est eternum esse quod retribuitur. Quapropter ego Willelmus gratia dei rex Anglie volo ut subscripta nostra datio presentibus apicibus ad noticiam posterorum mandetur, quibus pia largicio ab ignorancia siue maliuolencia defensa inconcussa stabilitate perpetua seruetur. Illius igitur aspirante gracia, qui dat & bene velle & posse pro bona voluntate, concedo monasterio Beccensi gloriose genitricis dei Marie in Wiltesira manerium unum nomine Deuerell,² quod fuit Bristicii, quod dedit Matildis regina uxor mea; et ut per omnes meos proprios portus in Anglia res proprie seruorum dei in eodem monasterio commanencium quiete sint a consuetudinibus que pro transitu in portu exigi solent. Concedo eciam ipsi coenebio quod illi Hugo de Gornaco dedit scilicet in London', quod ibi habebat de me; et in Essexia ecclesiam de Fordham³ cum terra ecclesie & totam decimam & unum villanum; in Erleiga⁴ similiter decimam et unum villanum; in Liston'⁵ decimam de dimidia villa & dimidiam ecclesiam & unum villanum. Et quod dedit Baldwinus filius comitis Gilberti in Deuonshire, scilicet nomine Bradfort.⁶ Et quod dedit Henricus de Ferrers in Essexia in Wodeham⁷ duas partes decime de dominio suo & unum villanum, et in Stabynges;⁸ similiter in Stanidama⁹ que est in Wiltesira. Et concedo de dono Arnulphi de Hesdino in Middelsexia manerium quod vocatur Ruysslep'¹⁰ totum, excepta i hida

¹ ii. 109.² Brixton Deverill.³ Fordham; in Domesday, Forham.⁴ Ardleigh, Essex; in Domesday, Erleia.⁵ Liston, Essex.⁶ Not Bradford Dabernon, but Bridford, afterwards (and now) called Christow.⁷ Woodham Ferrers.⁸ Stebbing.⁹ Standen.¹⁰ Ruislip.

que iam data erat sancte Trinitati de Monte. Et quod Milo Crispinus dedit eidem monasterio &, ipso concedente, homines eius Hugo filius Milonis & Ricardus filius Rainfridi, item ¹ in Oxenfordsh' totum dominium eiusdem Milonis de Swyncomna, ² & decimam de eius dominio de Mapultreham ³ & Berewell, ⁴ de Duncherche, ⁵ de Gadintona, ⁶ de Estoche, ⁷ de Neweham, ⁸ de Chalgraue, ⁹ de Haseley, ¹⁰ de Eßtona; ¹¹ in Gloucestresh' de Halrelea; ¹² in Berk' de Clopecota; ¹³ in Buk' de Quentona, ¹⁴ de Sobintona, ¹⁵ de Otesdona, ¹⁶ de Chingestona, ¹⁷ de Gwicomna; ¹⁸ de dominio Ricardi ¹⁹ decimas in Berk' de Appelton, ²⁰ in Bukish' Ikford, ²¹ in Oxenfordsh' de Alcretona; ²² de dominio Hugonis decimam in Oxfordsh' de Agdoquell, ²³ de Cestrentona, ²⁴ de Hantona; ²⁵ et quod dedit eidem cenobio Ricardus filius comitis Gilberti quod est in Surreia quod habebet in Totinges ²⁶ & Stretham ²⁷ & iii virgas terre in Hauerychesham, ²⁸ et duas partes decime de suo dominio in Blechingeleia ²⁹; in Ciuentona ³⁰ & in Udemeresthorn ³¹ & in Cippested ³² & in Thornecroft ³³ & in Gualentona ³⁴ & unum villanum in

¹ This word is awkward; we require viz.

² Swyncombe.

³ Mapledurham.

⁴ There is no place of this name in Oxfordshire; Milo Crispin had fees at Britwell and Berewich, but the next deed suggests that 'Retherfeld' was the real word.

⁵ 'Witcherche' evidently is meant. ⁶ Gathampton in the parish of Goring.

⁷ North Stoke.

⁸ Nuneham Murren.

⁹ Chalgrove.

¹⁰ Haseley.

¹¹ Aston Rowant.

¹² Alderley.

¹³ Clapcot.

¹⁴ Quainton.

¹⁵ Shabbington.

¹⁶ Waddesdon.

¹⁷ There is no Kingston in Buckinghamshire; Kingston Blount in Oxfordshire, which was a manor of Milo Crispin, must be meant.

¹⁸ The road from Waddesdon to Wycombe would pass through Kingston Blount. Wycombe no doubt is meant, where in 1291 Bec had a pension of £3. So late as 1086 (i. e. Domesday Book) Wycombe was a manor of Robert d'Oyly; but it must have passed by this time to Milo Crispin.

¹⁹ In Domesday Richard held under Milo the fees of Appleton (2½ hides), Eaton in Appleton (5 hides), Alkerton (6 hides), Chearsley in Buckinghamshire (1½ hides), Ikford (4 hides), and Draycot in the county of Oxford but in the parish of Ikford (2 hides). Probably he held all these at the time of this charter. In later times, when the fees of Milo Crispin formed the Honour of Wallingford, these holdings formed two knights' fees. We learn in the *Chronicon* of Abingdon (ii. 109) that this Richard fitz-Reinfrid died on 6 November 1115 or 1116, and that his son Hugh gave to Abingdon a rent from two hides held by his father in Brochestal or Brochestan. The narrative implies that it was part of the barony of Wallingford, and there is no doubt that Wrochestan (i. e. Wroxton) is meant, where Abingdon held a rent in the time of the taxation of 1291. Alkerton and Wroxton are adjacent, and part of the six hides held by Richard fitz-Reinfrid at Alkerton must have been situated within the parish of Wroxton. Hugh, son of Richard, is the holder of two knights' fees in the *carta* of the Honour of Wallingford which appears in *Liber Rubens*, i. 309. An Osney deed about Draycot shows that he was followed by Ricardus filius Hugonis de Eppleton.

²⁰ Appleton.

²¹ Ikford.

²² Alkerton.

²³ Adwell.

²⁴ Chesterton.

²⁵ Henton in Chinnor. These three manors, which at this time were held by Hugo filius Milonis, were held by Willelmus in Domesday.

²⁶ Tooting Bec.

²⁷ Streatham.

²⁸ This name has not been found in Domesday; it may have been the name of a field.

²⁹ Blechingley.

³⁰ Chivington in Blechingley.

³¹ Woodmansterne.

³² Chipstead.

³³ Thornecroft in Leatherhead.

³⁴ Walton Leigh.

Blecinglaiga & unam domum in Sutgete¹ & unam domum in burgo Tonebrig';² in Herfordshire in Standena³ i villanum & duas partes decime de suo dominio. Et quod dederunt homines eiusdem Ricardi, ipso concedente, [in] Sudfolc totam decimam quam dedit Giraldus de Guymundestona,⁴ & de Guarantinga⁵ totam decimam quam dedit Ioffridus, et totam decimam quam dedit Oilardus de Gindesfell,⁶ & de Dalham⁷ totam decimam quam Willelmus dedit. In Essexia duas partes decime quas dedit Guanusus de Cagnenda.⁸ Hec omnia concedo ut ea libertate & quiete prefatum Beccense monasterium possideat qua alie mee dominice abbacie & mei dominici viri res huiusmodi possident. Signum Willelmi regis Anglorum, s. Lanfranci archiepiscopi, s. Willelmi comitis filii regis, s. Thome archiepiscopi Ebor', s. Gaufridi episcopi Constant', s. Ricardi filii Gilberti comitis, s. Walchelini episcopi Wintoniensis, s. Willelmi episcopi Dunelm', s. Milonis Crispini, s. Henrici filii regis.

II

Milo Crispinus concessit ecclesie sancte Marie Becc' suarum terrarum decimas quas in Anglia habebat, scilicet de Neweham⁹ decimam partem annone tocius dominice sue, et similiter decimum agnum suarum omnium¹⁰ & x caseum & x vellus & x pellim agnorum; & de porcario suo x porcellum, de vacario suo x vitellum, de pannagio suo x denarium.

Apud villam suam Stoches¹¹ concessit idem Milo dimidiam virgatam terre & decimam in annona & agnis & caseis & velleribus & pellibus, in porcellis & vitulis & pannagio & decimam molendinorum que illic sunt & de piscar' suo [*sic*] ibidem iiii stikas anguillarum.

Apud villam suam Garingam¹² idem Milo concessit decimam alio modo,¹³ scilicet de ouili suo decem¹⁴ cas' & vell' & de pannagio. Hec autem

¹ Southgate.

² Tunbridge.

³ Standon in Hertfordshire.

⁴ In Domesday the manor of Wimumdestuna is held by Giraldus under Richard fitz-Gilbert. The spot is unidentified (*Vict. County Hist., Suffolk*, i. 535).

⁵ Wrattling, held by Goisfridus filius Hamonis in Domesday.

⁶ A misreading for Urdresfelda, now Witherfield, which was held in Domesday by Wilardus.

⁷ Dalham, which was held in Domesday by Willelmus Peccatum.

⁸ No name of this kind has been found in Essex. Domesday mentions Garnerus as holding some small portions of land under Richard fitz-Gilbert, and one of them may have borne this name.

⁹ Nuneham Murren.

¹⁰ Probably an error for *ouium*.

¹¹ North Stoke. The manors follow in succession from Wallingford down the Thames; then the list returns to Clapcot near Wallingford; then eastward through Chalgrove, Haseley, and Shabington to Waddesdon; then southward through Aston Rowant to Wycombe and Iver.

¹² Goring.

¹³ There was good reason for this. Goring was a d'Oyly manor in 1086, but at some later date the daughter of Robert d'Oyly married Milo Crispin, and some twenty fees, including Goring and Iver, were transferred from the barony of d'Oyly to Milo Crispin, and subsequently remained in the Honour of Wallingford. But in 1073 Robert d'Oyly had granted tithes from his demesnes in Goring and Iver to the chapel of St. George's in Oxford, and the abbey of Oseney, in succession to the chapel of St. George's, was in possession of a portion of tithes in Goring until the Dissolution.

¹⁴ Probably 'x' in the original, i. e. 'tithe of cheeses, fleeces, and pannage'.

Thomas de Driual¹ & Hugo frater eius pro anima predicti Milonis confirmauerunt, & in eadem villa pro anima patris sui & matris sue decimam annone dominice sue² & dimidiam hidam terre & unum molendinum & pratum quod appellatur pratum de North predictae ecclesie concesserunt.

Apud villam suam Gadintune³ predictus Milo concessit decimam in annona & agnis, in caseis & velleribus, in pellibus & porcellis, in vitulis & pannagio & de molend' decimam & de piscar' v stikes & v anguill' similiter.

Apud Wicchechurch idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, in vitulis & pannagio & de molend' decimam & de piscar' iiii stikes.

Apud Herdewicham⁴ idem Milo concessit decimam in annona.

Apud Mapultreham⁵ idem Milo concessit decimam in annona, caseis, agnis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimam & de piscar' ii stikas.

Apud Retherfeld⁶ idem Milo concessit decimam in annona, caseis, agnis, pellibus, porcellis, vitulis, pannagio & de molend' decimam & de piscar' ii stikas.

Apud Clopcote⁷ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimam & ii stikas.

Apud Shalgraue⁸ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend, decimam.

Apud Hasele⁹ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio.

Apud Shobintonam¹⁰ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimam & de piscaria duas stikas.

Apud Wottesdunam¹¹ idem Milo concessit unam virgatam terre cum uno rustico & decimam in annona, et de caseis, agnis, velleribus, pellibus, porcellis, vitulis, pannagio & decimam¹² alueolum apum, i ruscam.¹³

Apud Queyntonnam¹⁴ idem Milo concessit unam virgatam terre cum uno rustico & decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & decimam alueolum apum.

¹ The family of Druvall held Goring for about two hundred years; they gave liberally to Eynsham Abbey and Goring Priory.

² This must have been a second, and voluntary, tithe on the produce of the demesne. There was a similar arrangement at Oving in Buckinghamshire (*Vict. Count. Hist., Oxfordshire*, i. 153).

³ Gathampton.

⁴ This place, one of the four Hardwicks in Oxfordshire, is in Whitechurch. It is not mentioned in Domesday, but in that record it is not uncommon that if a knight held two adjacent manors they are entered under one name, and Hardwick is no doubt entered under Whitechurch. We have another instance below in Eythorpe.

⁵ Mapledurham.

⁶ Rotherfield Pippard.

⁷ Clapcote in Berkshire.

⁸ Chalgrove.

⁹ Great Haseley.

¹⁰ Shabbington.

¹¹ Waddesdon.

¹² Probably a misreading of x, which would mean *decimum*.

¹³ It may be suggested that the original had *vel ruscam*. Virgil mentions beehives (*alvearia* is his word) of two kinds, of wicker and of *cortex*, which probably means a section of a decayed tree; here the two kinds are *alveolus* and *rusca* or straw skep. Several Latin writers use *alveus* for a beehive.

¹⁴ Quainton in Buckinghamshire.

Apud Eathropum ¹ idem Milo concessit unam virgatam terre cum uno rustico & decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & decimam alueolum apum & de molend' decimam & de piscaria duas stikas.

Apud Eastunam ² idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimam.

Apud Wicombam ³ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimam.

Apud Ewre ⁴ idem Milo concessit decimam pullorum equarum & de molend' decimam & de piscaria decem stikes & de pannagio decem ⁵ denar'.

Apud Wuttunam ⁶ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio.

Apud Alreham ⁷ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimas.

Apud Sesdretunam ⁸ idem Milo concessit unam virgatam terre & decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio.

Apud Kingestunam ⁹ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio.

Apud Eantunam ¹⁰ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio.

Apud Addewell ¹¹ idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimam.

De Appeltona ¹² & de Ikford ¹³ & de ceteris ¹⁴ que Ricardus filius Remfridi tenet de Milone Crispino, idem Milo concessit decimam in annona, agnis, caseis, velleribus, pellibus, porcellis, vitulis, pannagio & de molend' decimas.

¹ Eythorpe, a hamlet and a manor in Waddesdon. It is not mentioned in Domesday, but is doubtless included in the return given for Waddesdon. It is on the river Thame and had a mill (Lipscombe, *Hist. of Buckinghamshire*, i. 475).

² From the sequence of names we might assume that this was in Buckinghamshire, and Milo Crispin had a small holding at Aston Sandford, but it had no mill. It is much more likely that Aston Rowant in Oxfordshire is meant, where Bec had a portion of tithe in later days. It is true that Aston Rowant has no mill, and the return in Domesday mentions no mill; but among the fees of Milo Crispin we find two, called *altera cole* and *altera cole*, which are probably Cobcot and Nethercot, two small manors contiguous to Aston Rowant. Of these Nethercot had, and has, a mill. Probably at the time of this deed Nethercot mill was treated as the mill for Aston Rowant.

³ Wycombe.

⁴ Iver. What has been said of Goring applies to Iver. It was originally a manor of Robert d'Oyly, and at this time paid two-thirds of the tithes of the demesne to the chapel of St. George's at Oxford. This explains why Milo Crispin was unable to grant to Bec as much at Iver as in his other demesne manors.

⁵ The original may have read *x*, which would mean not *decem denarios* but *decimam denarium*.

⁶ Probably Wootton Bassett in Wiltshire.

⁷ There is no place of this name in Domesday. Doubtless *Alreleiam* is meant, i. e. Alderley in Gloucestershire, which was a manor of Milo Crispin. The return in Domesday says that it had a mill.

⁸ Chesterton in Oxfordshire.

⁹ Kingston Blount, Oxfordshire.

¹⁰ Henton in the parish of Chinnor.

¹¹ Adwell.

¹² Appleton in Berkshire.

¹³ Ikford in Buckinghamshire.

¹⁴ These would be Eaton in Berkshire, Draycot and Alkerton in Oxfordshire, and probably Chearsley in Buckinghamshire, as has been shown above.

A Norfolk Parliamentary Election, 1461

THE following document is an amusing specimen of the literary ability of a fifteenth-century sheriff, but weightier reasons justify its publication. Such a detailed description of a medieval parliamentary election is a rarity, and, since a member of the Paston family played a prominent part in the incidents, the document is not only of use to the constitutional historian, but is also a valuable commentary on the information provided in some of the Paston letters.

The complete record from which this sheriff's return is taken occurs twice in legal archives, and a description of both these sources will be sufficient to explain why there appears upon the rolls of a court of law a record which at first sight seems to be concerned entirely with parliamentary matters. On the Controlment Roll for 1461¹ there is enrolled a writ ordering the sheriff of Norfolk and Suffolk to arrange for the election of knights and burgesses to a parliament to be held at Westminster on 6 July 1461.² This is followed by the enrolment of a second writ³ announcing the postponement of parliament until 4 November, owing to an attack on the Scottish border which called for the absence of the king from Westminster. Then follows the sheriff's account of the events which occurred after the receipt of these instructions. The extraordinary incidents he describes called for judicial measures, and his return is followed by a mandate for the arrest of the persons implicated. The record on the Controlment Roll marks the initial step in a legal process.

The sequel is provided by a later Coram Rege Roll⁴ which contains all the material on the Controlment Roll together with an account of further action taken in the matter during that term. The length of the records makes it impossible to print here the writs of summons, or the proceedings taken under Henry VII; but the sheriff's return contains all the information which throws light on the events in Norfolk during the election.

As is frequently the case with such collections, the Paston letters mention the election only in a cryptic fashion, and the story which Gairdner pieced together from the scanty references must be taken as the Paston version of the affair.⁵ The present

¹ Controlment Roll, 1 Edw. IV, rot. 15.

² This writ is tested 24 May, 1 Edw. IV.

³ Tested 13 June, 1 Edw. IV. These writs supplement the information concerning this parliament which is found in *Returns of Members of Parliament*, app. i. xxiv.

⁴ Coram Rege Roll, Mich., 4 Hen. VII, rex. rot. 18.

⁵ *Paston Letters*, ed. Gairdner, 1904. The letters referring to the election are nos. 460, 463, 468-72, 475, 477, 489, 497. See also i. 164.

record supplies an account of the other side of the case, and with both before him the reader will be able to appreciate the local intrigue which was at work in Norfolk during the summer of 1461. It should be noted that this return is made by Sir John Howard,¹ Paston's bitter rival; but, on the other hand, if the delightful family correspondence inclines one to a lenient view of Sir John Paston's actions, it should be observed that his family was not more law-abiding than its contemporaries, and when occasion called, its members did not scruple to adopt methods in keeping with those described by the sheriff.² The personal nature of the feud is not divulged by either party. The letters give no details, while the sheriff seems to suggest that the riot was the result of a dispute on the question of the limitation of the franchise to forty-shilling freeholders, the men whose 'sufficiency' he never fails to mention in his narrative. That principle had been introduced in 1429, early enough for opposition to have arisen long before this time.³ Whether the men of Norfolk really felt as keenly on this question as the sheriff suggests is open to doubt. After all, there were more local forces working towards such an incident. The state of Norfolk at this time was not happy, and as a result of this affair a special commission had to be sent to restore order in the county.⁴ The prevailing lawlessness, grave dissatisfaction at the murder of John Denys the coroner, and the unpopularity of the sheriff,⁵ were sufficient to cause a disturbance. It is most probable that Paston and Berney had their own schemes against the sheriff, and that their insistence on franchise rights was simply an appeal calculated to rouse those members of the community who could use a bill or a glaive even though it had been decided that they could not use a vote.

Apart from the official information it gives concerning the election, this document is a naïve illustration of contemporary judicial proceedings. Out of all the rioters mentioned, we can only be certain that five ever answered for their share in the disturbance; and two of these only appeared in the king's bench twenty-seven years after the riots had occurred. Naturally their trials were perfunctory, for all interest in the original cause of action must have disappeared by so late a date. It was, therefore, easy

¹ *Paston Letters*, no. 288. See also *Dict. Nat. Biog.*, art. Sir John Howard.

² e.g. *Coram Rege Roll*, Mich., 2 Edw. IV, rex. rot. 7. This is a case of disseisin in which Sir John Paston's son was defendant. The father was implicated, and despite his protests, was fined. Note that in this case Sir John Paston appeared in court in the custody of the marshall, in whose charge he was 'pro antea certis de causis'. The Pastons appear frequently in king's bench cases during this period.

³ Stat. 8 Hen. VI, c. 7. Also Stat. 10 Hen. VI, c. 2, and Stat. 23 Hen. VI, c. 14.

⁴ *Cal. Pat. Rolls*, 1461-7, p. 66.

⁵ *Paston Letters*, no. 468.

for them to adopt what was practically the normal procedure of the period. They pleaded letters of pardon granted by Edward IV, and they were acquitted *sine die*, probably without any argument either on the law or facts involved.¹ C. H. WILLIAMS.

Public Record Office, Controlment Roll, 1 Edw. IV, rot. 15.

Responsum Iohannis Howard Militis Vicecomitis Norffolcie. Ego Iohannes Howard Miles Vicecomes Norffolcie et Suffolcie domino Regi in Cancellaria sua certifico quod virtute primi brevis² michi directi et huic cedulae consuti ad proximum Comitatum Norffolcie postquam breve predictum michi deliberatum fuit tentum apud Norwicum in domo vocata le Sherehous in dicto Comitatu Norffolcie die lune proximo post festum Sancti Barnabe Apostoli anno regni Regis Edwardi quarti primo per Willelmum Prys Subvicecomitem meum eiusdem Comitatus predictus Subvicecomes adtunc et ibidem in pleno Comitatu illo breve predictum legit ac puplicavit et inde debitam proclamacionem fecit iuxta formam statutorum in huiusmodi casu provisorum quod omnes homines adtunc et ibidem existentes pro electione militum eiusdem Comitatus essend' ad proximum parlamentum in brevi predicto specificatum et sufficientes de libero tenemento ad valorem quadraginta solidorum annuatim ultra reprisas et inhabitantes infra Comitatum predictum ac habiles voces pro huiusmodi electione fiendum ibidem dare iuxta formam statutorum in huiusmodi casu editorum expectarent ibidem ad faciendum liberam electionem suam et omnes alii abirent et nullo modo electionem predictam fiendam impedirent. Super quo quidam Iohannes Berney de Wychyngham in dicto Comitatu Norffolcie armiger adtunc et ibidem dicto Subvicecomiti alta voce dixit Tu Subvicecomes aliter istud breve et statuta declaras quam lex terre Anglie existit quia quilibet homo cuiuscunque Condicionis et sufficiencie fuerit hic ad istud tempus existens habebit liberam electionem suam in eligendo Milites pro Comitatu isto. Super quo clamor et tumultus in populo ibidem existente oriebantur. Et tunc dictus Subvicecomes adtunc et ibidem voluisset examinare et triare omnes homines ibidem existentes de sufficiencia liberorum tenementorum suorum iuxta formam statutorum etc. ad habendam noticiam qui debite debuerunt Milites dicto Comitatu Norffolcie eligere sive eligi. Et quod³ plures ibidem existentes super Willelmum Chamberleyn Militem et Henricum Grey Iuniorem armigerum et alii super Iohannem Paston et predictum Iohannem Berney ad essendum Milites pro parlamento predicto clamaverunt et tunc predictus Iohannes Berney ac Iohannes Marchaunt de Boton in Comitatu Norffolcie Clericus Thomas Wryght de Aylesham in eodem Comitatu Laborer Willelmus Bole de eadem in eodem Comitatu Laborer Alanus Yarlowe de eadem in eodem Comitatu Taillour Iohannes Reymers de Oxenhede in eodem Comitatu Laborer Willelmus Cullyng de Aylesham in eodem Comitatu Laborer Simon Elys de Banyngham in eodem Comitatu Husbandman

¹ My transcript has been made from the Controlment Roll. The account on the Coram Rege Roll contains several slips, and it is mutilated. In transcribing, the use of *u* and *v* has been modernized as no strict rule is followed in the text.

² A reference to the writs of summons which precede the sheriff's return.

³ *sic*.

Stephanus Budde de eadem in eodem Comitatu Laborer Iohannes Worme de Southfeld in eodem Comitatu Sowter Thomas Portlond de Thyrynng in eodem Comitatu Husbondman Iohannes Goodbody nuper de Aylesham in eodem Comitatu Yoman Iohannes Burgeys de eadem in eodem Comitatu Laborer Thomas Goold de eadem in eodem Comitatu Taillour Iohannes Howes de eadem in eodem Comitatu Laborer Willelmus Skeyton de eadem in eodem Comitatu Husbondman Robertus Wattes de eadem in eodem Comitatu Laborer Robertus Bennes de eadem in eodem Comitatu Cooke Thomas Skeyton de eadem in eodem Comitatu Laborer Rogerus Gunnes de Itringham in eodem Comitatu Clericus Thomas Shelton de Aylesham in eodem Comitatu Armiger Robertus Ulfe de Northwalsham in eodem Comitatu Husbondman Robertus Ropere de eadem in eodem Comitatu Husbondman Robertus Roughe de Shiryngtham in eodem Comitatu Pedder Iohannes Crowgate de Tunstede in eodem Comitatu Bocher Willelmus Spynk nuper de Blyklynge in eodem Comitatu Laborer Iohannes Spynk de Rynglond in eodem Comitatu Laborer Iohannes Botery de Thorpe Market in eodem Comitatu Gentilman Henricus Cardemaker de Norwico in eodem Comitatu Cardemaker Nicholaus Lyncolne de Skathowe in eodem Comitatu Wever Thomas Davy alias dictus Thomas Henrys de Walsyngtham Magna in eodem Comitatu Husbondman et quamplures alii ignoti tam de Comitatu Civitatis Norwici quam de Comitatu Norfolcie de quibus multi fuerunt insufficientes et inhabiles ad habendum aliquod interesse in huiusmodi electione modo guerrino arraiati videlicet Jakkys Saladdis Bylles Gleyves et aliis armaturis defensivis ad numerum quingentarum personarum quos predicti Iohannes Berney Iohannes Marchaunt Clericus et Robertus Roughe continue per spacium duarum septimanarum proximum ante eundem diem lune apud Aylesham Sharyngton Walsyngtham Magna Walsyngtham Parva et in pluribus aliis locis per circuitum dicti Comitatus Norfolcie ad interessendum electioni predictae ad Comitatum dicto die lune tentum procurassent et excitassent adtunc et ibidem venerunt et ipsi tunc Subvicecomiti tantas minas de vita sua ibidem imposuerunt quod ipse ad electionem supradictam ob metum mortis ulterius fiendam intendere non audebat. Set occulte per conductum et adiuvamen Thome Wyngfeld armigeri Ricardi Southwell armigeri et Gilberti Debenham armigeri abinde evasit. Predictique Iohannes Berney Iohannes Marchaunt Thomas Wryght Willelmus Bole Alanus Yarlowe Iohannes Reymers Willelmus Cullyng Simon Elys Stephanus Budde Iohannes Worme Thomas Portlond Iohannes Goodbody Iohannes Burgeys Thomas Goolde Iohannes Howes Willelmus Skeyton Robertus Wattes Robertus Bennes Thomas Skeyton Rogerus Gunnes Thomas Shelton Robertus Ulfe Robertus Ropere Robertus Roughe Iohannes Crowgate Willelmus Spynk Iohannes Spynk Iohannes Boterey Henricus Cardemaker Nicholaus Lyncolne Thomas Davy ac alii quamplurimi malefactores ignoti cum ipsum subvicecomitem¹ sic evasisse perceperunt ipsum tunc furiose tam apud Norwicum in Comitatu Norfolcie quam apud Norwicum in Comitatu Civitatis Norwici tunc indilate persecuti fuerunt clamando Interficiamus eum. Ita quod idem Subvicecomes ulterius ad illum Comitatum nec ad alium Comitatum ibidem tentum die lune proximo post festum Translacionis Sancti Thome Martiris tunc proximum sequens nec alia

¹ The text has 'supervicecomitem'.

officia vicecomitis Comitatus Norffolcie concernentia exequenda per magnum tempus ob metum mortis et minarum predictarum intendere non audebat. Et postea ad Comitatum Norffolcie tentum apud le Sherehous predictum die lune in festo Sancti Laurencii Martiris extunc proximo sequente et proximum postquam aliud breve huic cedule consutum michi deliberatum fuit Ego Iohannes Howard Miles Vicecomes in propria persona mea predicta duo brevia in pleno Comitatu meo ibidem legi et puplicavi ac pretexto brevium illorum ibidem proclamari feci quod omnes homines de libero tenemento ad valorem quadraginta solidorum annuatim ultra reprisas sufficientes et ibidem presentes expectarent ad faciendam liberam electionem suam Militum pro dicto Comitatu ad proximum parlamentum tenendum essend' iuxta formam et effectum amborum brevium predictorum. Et immediate post illam proclamacionem factam venit quidam Iohannes Paston de Norwico armiger et super quandam equum equitans usque ad hostium predictae domus vocate le Sherehous adtunc hostio eiusdem clauso et me prefato Iohanne Howard Vicecomite cum aliis generosis et valettis dicti Comitatus sufficiencie liberi tenementi ad valorem quadraginta solidorum annuatim et amplius infra le Sherehous predicto pacifico modo existentibus. De quibus plures nominaverunt Willelmum Chamberleyn Militem et Henricum Grey Iuniorem armigerum Milites essend' pro Comitatu predicto ad parlamentum predictum. Predictusque Iohannes Paston adtunc et ibidem extra hostium domus predictae sic super equum suum sedens proclamari fecit quod quilibet homo ibidem existens et cuiuscunque condicionis seu sufficiencie fuerit haberet liberam electionem suam ad habendum Milites essend' pro Comitatu predicto ad parlamentum predictum adtunc et ibidem extra hostium domus predictae existente populo circa numerum Mille personarum et multi earum modo guerrino arraiati videlicet Jakkys Saladdis Billes Gleyves et aliis armaturis defensivis et insufficiencie liberi tenementi ac inhabiles ad habendum aliquod interesse in huiusmodi electione. Et facta proclamacione illa totus populus extra le Sherehous predictum existens cum tumultu dixit quod hec est bona proclamacio et bona lex et clamaverunt in altis John Paston and John Berney Knyghtes of the Shire of Norfolk. Et tunc predictus Iohannes Paston in le Sherehous predictum introivit et cum eo circa numerum viginti personarum. Et ab eodem Iohanne Paston adtunc et ibidem quesivi Quare talem proclamacionem contra statuta ac leges ¹ terre fecit at ipse respondit et dixit cum magna et alta voce quod Omne id quod antea fecit vellet avocare et cum hoc dixisset predicti Iohannes Marchaunt Clericus Iohannes Worme Thomas Goold Iohannes Howes Willelmus Bole Thomas Skeyton Thomas Wryght Robertus Bennes Robertus Wattes Alanus Yarlowe Iohannes Goodbody Iohannes Rymers Willelmus Spynk Thomas Portlond Willelmus Skeyton ac Iohannes Burgeys de Aylesham in Comitatu Norffolcie Laborer Iohannes Plomer de eadem in eodem Comitatu Plomer Willelmus Footman de eadem in eodem Comitatu Carpenter Robertus Paswater de Itryngham in eodem Comitatu Laborer et Robertus Crede de Berton iuxta Beeston in eodem Comitatu Husbondman qui insufficientes liberi tenementi ad valenciam quadraginta solidorum annuatim ultra reprisas iuxta formam statuti inde editi fuerunt per

¹ The text has 'legeos'.

abbetamentum¹ et confortamen predictorum Iohannis Paston et Iohannis Berney cum arboribus vocatis Sparrys ac cum baculis vocatis Clubbes vi et armis et cum magna violencia ac contra pacem domini Regis hostia domus predictae fregerunt et intraverunt ac michi et aliis Generosis et Valettis ibidem existentibus dixerunt Ye shall none other knyghtes chese here this Day but oure Maisters John Paston and John Berney et adtunc ibidem multas et magnas minas de vita michi et populo sufficienti ibidem imposuerunt et plures huiusmodi transgressorum ignoti pulveres in facies plurimorum hominum sufficientium iactaverunt quod contra intencionem eorum non loquerentur. Ita quod dictus populus sufficiens ibidem liberam electionem suam in premissis habere non potuerunt propter quod ego predictus Iohannes Howard totum populum sufficientem ad quendam locum vocatum le Castell Yard [ad]² largius spacium habendum ire precepi ut ibidem electionem predictam examinarem iuxta formam statutorum in huiusmodi casu editorum. Et postea in dicto loco vocato le Castell Yard apud Norwicum in Comitatu Norffolcie cum homines de eorum sufficiencia examinare incepissem iuxta formam statutorum in huiusmodi casu editorum Predicti Iohannes Paston Iohannes Botery Robertus Roughe Thomas Portlond Alanus Portlond Robertus Bennes Willelmus Spynk Thomas Gould Stephanus Budde Iohannes Burgeys Iohannes Worme Iohannes Marchaunt Clericus Thomas Skeyton Iohannes Goodbody Robertus Crede Willelmus Footman Robertus Paswater Thomas Wryght Willelmus Skeyton Willelmus Peye Iohannes Reymers Alanus Yarlowe Iohannes Plomer Robertus Wattes Willelmus Bole Iohannes Howes Henricus Cardemaker Iohannes Spynk Iohannes Crowgate Rogerus Gunnes Clericus Thomas Shelton Robertus Ulfe Robertus Ropere Willelmus Cullyng Simon Elys ac Iohannes Chervell de Gressham in Comitatu Norffolcie Yoman Willelmus Sharyng de Sharyngton in eodem Comitatu Husbondman Iohannes Bekke de Heydon in eodem Comitatu Husbondman Thomas Love de Buxton in eodem Comitatu Husbondman Iohannes Yemmes de Gresham in eodem Comitatu Miller Willelmus Smyth nuper de Basyngham in eodem Comitatu Smyth Thomas Crees de Corpsty in eodem Comitatu Laborer Thomas Fowler de Fretyngham in eodem Comitatu Husbondman Iohannes Grenewe de Wykmer in eodem Comitatu Husbondman Iohannes Caye de Horstede in eodem Comitatu Laborer Iohannes Iervays de Calthorpe in eodem Comitatu Husbondman Thomas Wylde de Aylesham in eodem Comitatu Yoman Ricardus Howard de eadem in eodem Comitatu Baker Iacobus Catte de Gresham in eodem Comitatu Courtholder Thomas Charles de eadem in eodem Comitatu Chapman Iohannes Halle de Aylesham in eodem Comitatu Yoman Thomas Boller de eadem in eodem Comitatu Yoman Iohannes Portlond de Totyngton in eodem Comitatu Yoman Iohannes Capron de Gresham in eodem Comitatu Draper Iohannes Camond de Aylesham in eodem Comitatu Rafman Iohannes Goodred de eadem in eodem Comitatu Smyth Iohannes Feythe de Skothowe in eodem Comitatu Yoman Robertus Doughty de Hanworth in eodem Comitatu Yoman Iacobus Grenewe de Wykmere in eodem Comitatu Yoman Iohannes Emond de Aylesham in eodem Comitatu Senior Yoman Iohannes

¹ The text has 'abbatamentum', but the word is correct in the *Coram Rege Roll*.

² Not in manuscripts.

Emondēs de eadem in eodem Comitatu Iunior Yoman Iohannes Croppe de eadem in eodem Comitatu Rafman Willelmus Elyot de Aylesham in eodem Comitatu Yoman Nicholaus Colet de eadem in eodem Comitatu Baker Ricardus Blake de Tunstede in eodem Comitatu Courtholder Robertus Ferman alias dictus Robertus Osemond de Aylesham in eodem Comitatu Sowter et alii quamplurimi malefactores ad numerum Mille personarum cum clamore magno tunc ibidem michi dixerunt Nay Pleynly Shirif ye shall trie no sufficiente here for every man shall have his election and gif his voyce as oure Maister Paston hathe made his crie and so shall ye shiriff make youre retourne and ellys ye shall dy for it. Super quo predicti Iohannes Worme Thomas Goold Iohannes Howes Willelmus Bole Thomas Skeyton Thomas Write Robertus Bennes Robertus Wattes Iohannes Burgeys Iohannes Plomer Willelmus Footman Alanus Yarlowe Iohannes Goodbody Iohannes Reymers Willelmus Peye Thomas Portlond Willelmus Skeyton Robertus Paswater et Robertus Crede adtunc et ibidem ceperunt quendam Nicholaum Crome vi et armis ac contra pacem domini Regis contra voluntatem suam et ipsum quandam Indenturam specificantem quod predicti Iohannes Paston et Iohannes Berney fuerunt electi Milites pro Comitatu predicto essend' ad parliamentum predictum scribere fecerunt et me prefatum Iohannem Howard adtunc et ibidem per spacium quatuor horarum vi et manuforti predictis custodiverunt et me dispiciendo verbis inhonestis ac dicendo quod nisi indenturam predictam Sigillare vellem nunquam extra manus eorum vivens evaderem set morerer. Ita quod propter salvationem vite mee Indenturam predictam Sigillavi et sic me contra voluntatem meam et ob metum mortis Indenturam predictam Sigillare compellaverunt. Et tunc aliqui de populo predicto abierunt et se retraxerunt. Percipientesque hec predicti Iohannes Paston Iohannes Berney et Iohannes Dam de Sustede in Comitatu Norfolcie Gentilman Iacobus Gressham de Norwico in eodem Comitatu Gentilman ac predicti Iohannes Worme Thomas Goold Iohannes Howes et multi quamplurimi malefactores supradicti versus me prefatum vicecomitem adtunc et ibidem venientes et concurrentes ac idem Iohannes Worme per excitacionem predictorum Iohannis Paston Iohannis Berney Iohannis Dam ac omnium aliorum malefactorum suprascriptorum nomine et assensu eorum tunc et ibidem michi precepit proclamacionem facere quod totus populus ibidem haberet plenam noticiam quod iidem Iohannes Paston et Iohannes Berney debite fuerunt Milites electi ad parliamentum predictum essend' et quod ipsi sic per me forent retornati et quod quilibet homo qui pro aliquibus materiis in parlamento predicto vellet prosequi ad ipsos Iohannem Paston et Iohannem Berney tanquam Milites eiusdem Comitatus venirent et prosequerentur. Et super hoc ego dictus Iohannes Howard respondi et dixi quod primo domino Regi et dominis consilii sui de actibus et riotis suis illa die factis revelarem. Et super hoc predictus Iohannes Paston cum spuma furiose et magna voce universo populo ibidem tunc clamabat et dixit forma sequente Sirs come agayne for all is for nought that We have doo here this day for the Shirif seyeth he will retourne a Rescusse on us alle. Et cum hoc dixisset predicti Iohannes Worme Thomas Goold Iohannes Howes Willelmus Bole Thomas Skeyton Thomas Wright Robertus Bennes Robertus Wattes Iohannes Burgeys Iohannes Plomer Willelmus

Footman Alanus Yarlowe Iohannes Goodbody Iohannes Reymers Willelmus Peye Thomas Portlond Willelmus Skeyton Robertus Paswater Robertus Crede et multi alii quamplurimi malefactores et pacem domini Regis perturbatores iterum reverterunt et vi et armis ac contra pacem domini Regis adtunc et ibidem in me prefatum vicecomitem insultum fecerunt et magnos lapides ad me prefatum vicecomitem et servientes meos adtunc et ibidem iactaverunt propter quod Ego prefatus vicecomes pro salvacione vite me abinde festinanter ivi et evasi. Sicque ob causam supradictam huiusmodi Milites pro parlamento predicto iuxta formam et effectum brevium predictorum ad Comitatum illum eligi facere non potui. Posteaque iidem Iohannes Paston Iohannes Berney ac alii quamplurimi malefactores predicti cum predictis aliis ignotis continue ab eodem die lune per totum corpus Comitatus Norffolcie usque ad proximum Comitatum ibidem tentum die lune proximo ante festum Nativitatis Beate Marie Virginis tunc proximum sequens se in conventiculis illicitis congregaverunt et de malefactis suis predictis pompam magnam conflaverunt dicendo quod me prefatum vicecomitem et alios Milites et generosos Comitatus predicti interficient nisi intencioni et voluntati suis in hoc malefacto suo concentiri voluerimus. Et eodem Comitatu Norffolcie ibidem dicto die lune proximo ante festum Nativitatis Beate Marie Virginis magis tempestive et festinanter tento propter huiusmodi congregaciones et rebelliones eodem die circa horam decimam ante meridiem eiusdem diei tunc ibidem venerunt predicti Iohannes Worme Iohannes Botery Robertus Roughe Thomas Portlond Alanus Portlond Robertus Bennes Willelmus Spynk Thomas Goold Stephanus Budde Iohannes Burgeys Iohannes Marchaunt Clericus Robertus Crede Thomas Wryght Willelmus Skeyton Willelmus Peye Iohannes Reymers Alanus Yarlowe Robertus Wattes et Iacobus Catte apud le Sherehous predictum et ibidem me prefatum vicecomitem et plures alios Milites et generosos qui actum eorum in hac parte consentire noluerunt cum tumultu proditores proclamaverunt et ea de causa in quendam Robertum Brampton Gentilman adtunc et ibidem vi et armis et contra pacem domini Regis insultum fecerunt et michi prefato vicecomiti ac pluribus aliis generosis eiusdem Comitatus ibidem minas mortis imposuerunt et dicendo quod ad quemlibet Comitatum ibidem tenendum usque ad primum diem parlamenti predicti in huiusmodi congregacionibus et cum tali multitudine sic arraiata venirent ad intencionem suam premissam habendam. Sicque Ego prefatus vicecomes in propria persona mea nec per Subvicecomitem seu ministros meos propter huiusmodi congregaciones minas et affraias Milites pro parlamento predicto iuxta formam brevium predictorum eligi facere non potui nec predictos Rebelles et transgressores arrestare potui nisi ex inde mors et periculum vite plurimorum legum domini Regis evenisset. Quod sine speciali mandato domini Regis attemptare non audebam. Set totum factum predictum domino Regi indilate oretenus revelavi.¹

¹ There follows, on the Controlment Roll, a list of the previously named rioters, whom the sheriff is ordered to attach. On the Coram Rege Roll there is a further continuation of the case, to the effect that in that term (Mich., 4 Hen. VII) there appeared in the king's bench one John Marchaunt, who produced letters patent of pardon (tested 8 May, 9 Edw. IV). These are quoted in full and the defendant is acquitted *sine die*. Similar proceedings occur for John Portland (letters of pardon tested 6 November, 12 Edw. IV).

*Cardinal Wolsey's Visitation of Worcester Cathedral
Priory, 1526*

BELOW are printed in full two documents relating to this visitation. Their contents are discussed in the *Contemporary Review* for April 1923 (no. 688) and, more fully, in the *Report of the Worcester Archaeological Society for 1922-3*.¹ J. M. WILSON.

A. Wolsey's Letter to Prior More.

Worcester Cathedral Library, A. 6. (2), fo. cxlvi.

4 May 1524.

Commissio pro visitatione domini legati.

Thomas miseratione divina Tituli sancte Cecilie sacrosancte Romane Ecclesie presbyter Cardinalis, Eboracensis Archiepiscopus, Anglie Primas, et Apostolice sedis legatus Natus, Ipsiusque regni Anglie Cancellarius, necnon Sanctissimi in Christo patris et domini nostri domini Clementis divina providentia huius nominis pape Septimi moderni, dicteque Sedis ad serenissimum et potentissimum in Christo Principem et dominum nostrum, dominum Henricum Octavum, Dei gratia Anglie et Francie Regem, fidei defensorem, et dominum Hibernie, universumque eius Anglie Regnum ac omnes et singulas ipsius regni Provincias Civitates Terras atque loca illi subiecta et alia illi adiacentia ad nostram etiam vitam de latere legatus, Dilecto nostro in Christo Priori Ecclesie Cathedralis sancte Marie Wigornie, infra fines et limites legationis nostre huiusmodi notorie existentis aut eiusdem loci presidenti Cuicumque salutem gratiam et benedictionem. Cum tam ex specialibus indultis quam ex iuris communis dispositione etiam rescripto per quasdam primevas dicte sedis Concessas Confirmatasque postmodum ac prorogatas etiam ad nostri vitam innovatas² Sub plumbo litteras nobis sit attributa facultas omnes et singulas dicti Regni et locorum predictorum Superiores et inferiores Tam Metropolitanas et Cathedrales sedes quam monasteriorum Prioratum collegiorum et hospitalium atque parrochialium Ecclesias. Exemptas et non exemptas tam virorum quam mulierum seu mixtim quascunque earundemque presidentes et personas in eisdem degentes in capitibus et in membris ac in spiritualibus et temporalibus per nos vel alium seu alios quem aut quos ad id duxerimus deputandum seu deputandos visitandi. Illaque prout nobis secundum...³ et Canonicas sanctiones ac dictarum Ecclesiarum pie instituta[s] atque laudabiles consuetudines expedire videbitur reformandi deque statu ecclesiarum et personarum huiuscemodi viteque et moribus in illis degentium inquirendi. Et illos qui criminosi reperti fuerint iuxta excessuum suorum exigentiam castigandi corrigendi et puniendi Ac contradictores et rebelles quoscunque per censuras ecclesiasticas compescendi et non nullas alias facultates etiam ampliores: Circa premissa exercendi prout in dictis litteris apostolicis desuper concessis ad quas nos reverenter referimus plenius continetur.

¹ In consequence of my absence from Worcester, the proof of these documents has been kindly compared with the originals by the Rev. J. E. H. Blake, chapter librarian, with the assistance of the Rev. T. A. Lacey.

² The text has 'innovatas'.

³ The reading is doubtful, perhaps 'divinas' is meant.

Sane ad nostrum nuper ex fide digna relatione pervenit auditum. Quod licet in dicto monasterio et locis illi subditis sive ab eo dependentibus ab illustrissimis Anglorum regibus aliisque eorundem legitimis et subditis viris quidem spectabilibus seu clarissimis et prepotentibus retro actis temporibus fundatis et dotatis qualificatarum personarum in eisdem degentium vita exemplaris claruerit. Quarum salutaribus monitis et devotis orationibus Cultus divinus plurimum auctus et illarum respublica ab hostium faucibus erepta exstitit et intacta. Attamen a nonnullis temporibus citra prioribus ibidem paulatim vivendi modum et normam relaxantibus in illis vita huiusmodi exemplaris et Observantia tepuit adeo ut persone ipse que vita moribus et bonis operibus laicis exemplo esse deberent dei timore postposito Tam in habitu quam in moribus vitam minus honestam quam tales deceat quod dolenter referimus ducant in animarum suarum perniciem, divine maiestatis offensam Religionis opprobrium ac clericorum inhonestatem malumque exemplum et scandalum plurimorum. Quocirca Nos Thomas Cardinalis et legatus de latere antedictus huiusmodi visitationis onus pro divina et ipsius sacrosancte Romane Sedis Reverentia iuxta datam nobis a deo providentiam sollicitè adimplere cupientes ac uti premittitur tam ex iuris communis dispositione quam dicte sedis commissione speciali Non modo prefatum Cenobium sed et alia loca maiora et minora ac paria quecumque regni et locorum predictorum exempta et non exempta et personas in eis degentes visitandi potestatem habentes. Te priorem et monasterium tuum predictum tam in capite quam in membris ad dei laudem ipsius ecclesie Cathedralis commodum necnon Reformationem morum degentium visitare proponimus deo concedente idcirco te priorem antedictum peremptorie Citamus et monemus ac per te omnes et singulos eiusdem monasterii Commonachos Clericos quoque ministros sic citari et moneri volumus et Quatenus die Sabbati videlicet Octavo die mensis Aprilis proximum futurum post datam presentium ante meridiem eiusdem diei in domo Capitulari dicti monasterii vel ipsius ecclesie choro aliove loco congruo veluti securo hostio communi et amplo Cum Continuatione et prorogatione ac tam anticipatione quam procrastinatione unius duorum trium quatuor quinque sex vel septem dierum tum sequentium vel precedentium et locorum huiuscemodi etiam pre aut post quatinus et si tunc oporteat deceat aut nobis expedire videbitur. Coram dilecto filio nostro Magistro Iohanne Alenn utriusque iuris doctore Ecclesieque Cathedralis Lincolniensis. Canonico et prebendario capellano et consiliorio nostro tam exemptorum quam non exemptorum locorum pretaxatorum quorumcumque per alias nostras litteras commissionales plenissimas cum suis clausulis pregnantibus et insolitis Commisario nostro generali atque in hac instante visitatione nostra activastrarumque passiva potiora pro cautela cum omnibus suis incidentibus emergentibus dependentibus connexis et annexis Necnon ad omnem iuris effectum qui exinde sequi valeat delegato nostro speciali a nobis sufficienter et legitime auctoritate etiam presentium et per presentes iam deputato. Compareas et Compareant visitationem nostram huiusmodi etiam humiliter subituros fundationem dicte Cathedralis Ecclesie ac statum eiusdem. Necnon Inventaria duplicata et indentata quorumcumque bonorum immobilium et mobilium et presertim pretiosorum alias

Confecta aut interim conficienda foundationesque et ordinationes Cantuariarum in ipso monasterio fundatarum, atque gratias et licentias beneficiorumque ecclesiarum parochialium appropriationes ac cetera munimenta quecumque dictum Cenobium qualitercumque Concernentia. Necnon litteras Ordinum ac titulum dignitatis qualiter exhibiturum et ostensurum et veras inde Copias penes Regestrum nostrum nobiscum dimissurum facturumque ulterius et recepturum quod iustum videbitur et Consonum rationi. Tibi etiam firmiter iniungentes. Mandamus quatenus premissa tibi demandata firmiter exequi ac omnia et singula que ad actum visitationis nostre huiusmodi pertinent quantum ad te attinet perimplere cures. Tibi quoque inhibemus in his scriptis et interdiciamus. Ne pendente nostra visitatione huiusmodi quicquam in preiudicium eiusdem attemptare presumas faciasve sive permittas ab aliis palam vel occulte directe aut indirecte quovisve alio quesito colore aut ingenio quomodolibet attemptari. Procuracionem autem nostram nobis pro huiusmodi nostra visitatione debitam, et alia Iura nobis obtentu premissarum competentia ibidem promptam sive prompta habeatis pariter et parata. De Diebus vero receptionis presentium¹ executionisque tue ac modo et forma eorundem. Et quid feceris in premissis Nos aut Commissarium nostrum huiusmodi dictis die et loco debite certifies litteris tuis patentibus presentibus annectendis Nomina et Cognomina omnium et singulorum per te in ea parte citatorum et monitorum in se continentibus Sigillo tuo sigillatis. Datum in edibus nostris prope Westmonasterium Quarto die mensis Maii Anno domini MD vicesimo quarto.

B. Wolsey's Ordinances and Injunctions.

Worcester Cathedral Library, A. xii, fo. 120 v.

3 November 1526.

Ordinationes² et Iniunctiones Reverendi Patris domini Thome cardinalis et legati de latere

Thomas, miseratione divina tituli sancte Cecilie sacrosancte Romane ecclesie presbyter cardinalis, Eboracensis archiepiscopus, Anglie primas, et apostolice sedis legatus natus, ipsiusque regni Anglie Cancellarius, necnon sanctissimi in Christo patris et domini nostri domini Clementis, divina providentia huius nominis pape septimi moderni, dicteque sedis, ad illustrissimum et potentissimum in Christo principem et dominum nostrum Henricum octavum dei gratia Anglie et Francie regem, fidei defensorem, et dominum Hibernie universumque eius regni Anglie, ac omnes et singulas ipsius Regni provincias civitates terras atque loca illi subiecta et alia eidem adiacentia, ad nostri etiam vitam de latere legatus, Episcopus Dunelmensis, exemptique monasterii sancti Albani Lincolnensis diocesis commendatorius perpetuus, DILECTO filio dompno Willelmo More priori prioratus ecclesie Cathedralis beate marie Virginis Wigornie et eiusdem loci conventui ordinis sancti benedicti, salutem et benedictionem. CUM DILECTUS nobis in Christo magister Iohannes Alen, utriusque iuris doctor, Archidiaconus Calipolensis, ecclesieque Cathedralis beate

¹ The text has 'presitium'.

² In the Ledger (A. 6, fo. 153) the title is: Declarationes et Iniunctiones Visitationis Reverendissimi Thome Cardinalis et legati de latere.

marie Lincolnensis canonicus, et prebendatus ac capellanus et consiliarius noster exemptorumque omnium et non exemptorum quorumque locorum a nobis et per nos visitandorum Commissarius noster generalis, sufficienter et legitime deputatus, dudum, videlicet decimo septimo die mensis Aprilis Anno domini millesimo quingentesimo vicesimo quinto, quasdam Iniunctiones et precepta ac exhortationes et consilia in prioratu vestro predicto palam publice et expresse sub variisque penis ediderit et promulgaverit. Ac postea videlicet duodecimo die mensis Novembris anno predicto easdemque Iniunctiones precepta Exhortationes et concilia declaraverit et circa eandem omnia et singula interpretationes et extensiones rite et legitime fecerit Quarumquidem Interpretationum declarationum et extensionum verus et integer tenor extense subsequitur et est talis: JOHANNES ALEN, iuris utriusque doctor, Reverendissimi in Christo patris et domini domini Thome miseratione divina tituli sancte Cecilie sacrosancte romane ecclesie presbyteri Cardinalis Eboracensis, Archiepiscopi, anglie primatis et cancellarii ac Apostolice sedis etiam ad ipsius vitam de latere legati in locis exemptis et non exemptis Auctoritate legatina dicti Reverendissimi patris visitandis Commissarius generalis sufficienter et legitime deputatus QUONIAM sepenumero ex ambigua et obscura oratione litis atque controversie occasio suboritur atque materia delinquendi prebetur, presertim quia unusquisque interpretando ambiguitatem suo sensu ducitur cum igitur eius est interpretari cuius est condere Auctoritate ipsius Reverendissimi patris legati.

PRIMA[M] iniunctione[m] nostram immoverius legatnam in qua inter alia cavetur quod omnes et singuli commonachi precaveant deinceps ne sub nomine consuetudinis palliare satagant corruptelas Regule sancti benedicti et sacris Canonibus expresse repugnantes necnon etiam in non observando silentium et horas canonicas, ieiunium et similia *prout latius in dicta iniunctione continetur*, DECLARAMUS et extendimus, atque pro sic declarata et extensa haberi volumus ad electionem, videlicet destitutionem et remotionem Supprioris Cellerarii et duorum Scholasticorum a die interpretationis declarationis et extensionis nostre huiusmodi vobis intimate et presentate antiquo usu et consuetudine in dicto monasterio, non obstante quod dicte electiones et destitutiones fiebant cum consilio et etiam cum consensu totius conventus. Tales electiones et destitutiones de cetero fieri permittimus per priorem dicti monasterii pro tempore existentis cum consilio consiliariorum suorum vel maioris partis eorundem tantum. Dictam antiquam consuetudinem, immo verius corruptelam, presertim quia Regule sancti benedicti sic incipienti, QUOTIENS aliqua precipua et cetera, ad quam nos in hac parte referimus repugnat penitus dampnamus et abrogamus. ORDINATIONEM insuper perfectionem positionem et institutionem omnium famulorum servientium ballivorum et ministrorum quibuscumque officiis ministracionibus tam in monasterio quam in dominiis ad monasterium pertinentibus eorundemque destitutionem et remotionem ad priorem dicti monasterii pro tempore existentem necnon ad priorem modernum dumtaxat pertinere volumus et constituimus.

SECUNDAM denique iniunctionem nostram in qua inter alia narratur quod fragmenta que in refectorio et misericordia supersint debilibus ac pauperibus convicinis infra Civitatem Wigornie commorantibus distri-

buantur per elemosinarium a priore de concilio consiliorum suorum eligendum et cetera, prout in ipsa iniunctione plenius continetur, ex certis rationabilibus causis animum nostrum ad id moventibus penitus abrogamus et annullamus.

PRETEREA cum in tertia Iniunctione nostra continebatur quod monachi non admitterent pueros secum in dormitorio in cameris et aliis nonnullis locis in dicta iniunctione plenius specificatis sub pena commensurativa delictorum eandem iniunctionem ita declaramus et extendimus ut illi dumtaxat pueri a locis predictis excludantur quos prior duxerit sua discretionem excludendos penam contrafaciendi arbitrio prioris relinquendo.

QUARTAM quoque Iniunctionem ita decrevimus observandam ac etiam statuimus videlicet quod monachi omnes et singuli circa divina officia et maxime nocturna sese diligentiores reddant, et quod tractim et pausatim ac etiam devote psalmos cum responsoriis pertractando psallant seu morose cantent sub pena divine ultionis: quodque a detractionibus tam superiorum quam inferiorum confratrum se abstineant et desistant in futurum, ne inde prestetur occasio delinquendi unde virtutis debeat oriri exemplum—penam arbitrio prioris relinquendo.

QUINTUM insuper mandatum sive iniunctionem nostram in qua precipiatur priori quam citissime fieri poterit edificia in Civitate Wigornie et extra existentia et maxime ad officium elemosinarii spectantia reficeret, et quod panni linei et alia ornamenta divino cultu deputata munditius conserventur ex nonnullis legitimis et rationabilibus causis nos et animum nostrum ad id specialiter moventibus duximus abrogandum et abrogamus.

SEXTUM insuper preceptum illud moderando ita decernimus observandum ut ille scilicet tantum mulieres quas prior duxerit infra cepta monasterii admittendas suo arbitrio quocumque in loco libere accedere valeant.

SEPTIMAM autem Iniunctionem in qua continetur quod in appensione Sigilli Communis dicti monasterii non solum manus omnium et singulorum commonachorum tam consentientium quam non consentientium in arduis causis conscribantur ita ulterius declaramus et restringimus ut in appensione Sigilli communis huiusmodi sufficiat Consensus prioris et maioris atque sanioris partis capituli. Ita ut omnes et singuli sic in appensione Sigilli communis huiusmodi consentientes nomina et cognomina seu ad minus signa sua solita et consueta subscribant seu apponent ut ex subscriptionum et signorum huius modi appensione liquide intuenti appareat an maior et sanior pars capituli ad hoc consensit necne.

OCTAVAM nempe Iniunctionem ex nonnullis honestis et rationabilibus causis nos et animum nostrum ad id specialiter moventibus volumus abrogari et in numero Iniunctionum huiusmodi non inscribi.

DECERNENTES nihilominus nonam Iniunctionem in qua cavetur et habetur quod hostia non modo ecclesie sed etiam claustrum ac alia hostia eidem claustro adiacens et ad illud aperiens ex quibus aliquid suspicionis sinistre provenire possit continue clausa et Serata conserventur nisi ex causa necessaria et rationabili visum fuerit priori predicta hostia fore aprenda [sic] inviolabiliter fore observandam.

DECIMAM Iniunctionem ita decernimus observandam, videlicet quod supprior claustralis una cum coquinario singulis diebus de mane post primam Infirmos in infirmaria aut alibi visitent ac necessaria iuxta

regularia instituta eorundem cibaria et alia que solita si morbi qualitas id exigat cum debitis humanitate et maturitate preparent in futurum et quod ipse coquinarium omnem quam possit diligentiam adhibeat ut cibaria monachis preparanda et ministranda mediis mundioribus et purioribus condiantur et curentur in posterum sub pena claustrali per ebdomadam.

UNDECIMAM ET DUODECIMAM Iniunctiones quatenus in usu et viridi observantia existant ab Iniunctionibus huiusmodi deleri mandantes et delemus.

DECIMAM TERTIAM Iniunctionem videlicet quod prior modernus et successores sui diligentem et exactam circa proprietarios bis in anno faciant Inquisitionem. Et si aliquos huiusmodi crimine respersos invenerit iuxta divi benedicti regulam corrigat et reformet ipsique sic inventi per annum continue subsequentem coram toto conventu in terra sedentes comedant et sibi assumant cibaria et si monitione premissa huiusmodi deposita monasterii suis restituere deferant ut ruber et confusio de preteritis diligentiam efficiant ad futura excommunicationis sententia parcelantur.

QUARTAM DECIMAM iniunctionem ex certis causis nos et animum nostrum moventibus et presertim ne pretextu eiusdem inter priorem et monachos ac servientes generentur lites et discordie abrogamus et ex numero Iniunctionum delemus.

DECIMAM QUINTAM Iniunctionem sic interpretamur videlicet quod correctio in arduoribus causis fiat per priorem assistente sibi maiore parte de consilio conciliariorum suorum tantum cum id quod iudicio plurimorum trutinatur firmiore auctoritate fulcitur et roboratur. In aliis vero que non sint de arduoribus volumus quod correctio fiat per priorem tantum.

DECIMAM SEXTAM Iniunctionem abrogandam etiam censemus pro eo quod in usu et quotidiana observantia esse comperimus.

PENULTIMAM vero et VLTIMAM Iniunctiones ob nonnullas iustas et legitimas causas volumus per presentem declarationem abrogari.

NOS VERO Thomas cardinalis et legatus de latere antedictus interpretationes declarationes et extensiones suprascriptas omnes et singulas rationabiles et utiles censentes ipsas omnes et singulas vobis priori et conventui predicto ac successoribus vestris in perpetuum auctoritate legationis nostre de latere huiusmodi ex certa scientia confirmamus et presentis scripti patrocinio communimus. Aliis nostris declarationibus extensionibus sive abrogationibus quibuscumque sub quibusvis verborum formis antehac a nobis seu nostra forsitan auctoritate emanatis et concessis ceterisque contrariis non obstantibus quibuscumque. NULLI ergo vestrum liceat has nostras interpretationes declarationes et extensiones infringere aut eis ausu temerario contrarie sub nostrorum contemptus et indignationis penis quas contemptores transgressores et inobedientes huiusmodi incurrere decernimus etiam et declaramus per presentes Sigilli nostri¹ appensione communicatas.

Datum in Edibus nostris prope Westmonasterium quoad Sigilli nostri huiusmodi appensione Tertio die mensis Novembris . Anno domini millesimo quingentesimo vicesimo Sexto.

¹ *magni*, which follows *nostri* in the Ledger, has been erased in A xii.

The British Plantation Councils of 1670-4

FROM 1670 to 1674 the interests of the British colonies in America were supervised by the council of plantations and the council of trade and plantations.¹ Though both councils kept journals of their proceedings, these documents were missing for more than two centuries. They were found recently in England and in 1919 were purchased by the Library of Congress.² A perusal of these journals in the light of other sources at hand makes available some additional information on the work of the councils from 1670 to 1674.

It will be recalled that before 1670 the centre of English colonial administration was the privy council, which was aided at various times by its committees and sub-committees as well as by special commissions and select councils. It was in continuation of this system that on 30 July 1670, on the recommendation of Lord Ashley, Charles II revived a policy which had already been tried in 1660, and appointed ten men a 'speciall and select counsell' to inform themselves of the condition of the plantations and to report from time to time to the privy council. Only three of the original members were peers. In order to make it a more influential body nine subsequent appointments were made in 1671, and of these all except John Evelyn were either peers or great officers of state, who, with the single exception of Lord Culpeper, received no compensation for their services. Of the twenty-four articles of instructions and additional instructions for this council, fourteen were based on those given to the select council of plantations of 1660. In addition it was ordered to develop the colonies with the view of making them the source of supply for certain commodities not found in England; to promote friendly relations with the Indians; to procure maps and charts of the several plantations; and to examine colonial laws.³ The council of plantations thus constituted, advisory in character and at all times subordinate to the king in council, displayed considerable interest in plantation affairs during the

¹ For a history of these councils, see Andrews, *British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675* (1908), 96-111; Beer, *Old Colonial System* (1912), i. 244-54.

² The volume has the title 'Journall of the Council for Plantations From ye 3d of August 1670 To ye 20th of September 1672 As alsoe Of the Council for Trade and Plantations From ye 13th of October 1672 To ye 22th of December 1674.' The pages of the journals are well written and are in good condition, though the binding is of a later date (*Report of Librarian of Congress*, 1919, pp. 34-6, 151).

³ Journal, 1670-2, fos. 1, 2, 4, 6, 49, 53; *Cal. of State Papers, Colonial, America and West Indies*, 1669-74, 225, 470, 611; *New York Colonial Documents*, iii. 190-3; Evelyn, *Diary*, 28 February, 26 May 1671; Harris, *Life of Sandwich*, ii. 306-7; Andrews, pp. 96-101, 117-26; Beer, i. 244.

two years of its existence. From 3 August 1670 until 20 September 1672 it held one hundred and forty-five meetings of which record has been found. It is probable that a number of meetings were held of which no record has been found. The Journal is not complete as a record of meetings, and it has been necessary to supplement it from Evelyn's *Diary*, and from the *Calendars of State Papers*, Colonial and Domestic. As many as twelve and fourteen sessions were held in some of the early months, but later only two or three, the average for the whole period being about six. During that time it received and acted upon numerous petitions, kept in touch with the royal governors, considered the economic welfare of the plantations, and with commendable zeal investigated and reported to the privy council on many phases of colonial activity. To some individuals interested in the plantations it appeared that the wisdom of entrusting colonial control to a small body of competent men had at last been demonstrated.

With this council, on 27 September 1672, was joined the less industrious council of trade of 1668. Thus for the first time the management of these two closely related interests was united in a select body, subordinate to the privy council, under the name of the council of trade and plantations. The number of regular salaried members was one less than in the previous council of plantations and only a single change was, for the present, made in the personnel. Now, as formerly, the secretaries of state, the lord treasurer, and other state officials were authorized to attend and vote, but were not to receive compensation. The instructions issued to the new body were modelled on those of its predecessors and present a clear outline of England's colonial and commercial policy, a policy which in principle was followed later by the lords of trade and plantations as well as by the board of trade.¹

The enlarged council, though apparently not quite as active as its predecessor, cannot be justly accused of inefficiency. Between 13 October 1672 and 22 December 1674 one hundred and eight meetings were held, an average of about four a month. So far as its work was concerned it not only continued the policies of the former council of plantations, but it also broadened the scope of its activities to include domestic, foreign, and colonial trade. During the latter part of 1673 and afterwards its influence gradually decreased. This was due to various causes, such as the dismissal of Shaftesbury from the office of lord chancellor, the resignation of Arlington as secretary of state,

¹ Journal, 1672-4, fos. 1, 3, 13, 19, 20; *Cal. of State Papers, Col., 1669-74*, 923; *Calendar of Treasury Books, 1669-72*, 1317; *ibid.* 1672-5, 4, 14, 34, 36; Evelyn, *Diary*, 1 September, 13 October 1672; Christie, *Life of Shaftesbury*, ii. 93; Andrews, pp. 127-32.

an increasing financial stringency, and the growing dissatisfaction with select councils. On 21 December 1674 its commission was revoked and the control of all matters relating to trade and plantations once more reverted to the committee of the privy council. The exact reason for the abandonment of the select council has never been determined, though it is probable that the circumstances above enumerated as tending to lessen its influence were also the causes of its downfall.¹

To explain fully the history of these select councils from 1670 to 1674, it is necessary to give some account of their personnel. The original members of the council of 1670, as named in the commission of 30 July, were Edward Montagu, earl of Sandwich, president; Lord Gorges; Lord Allington; Sir John Finch; Sir Humphrey Winch; Thomas Grey; Henry Brouncker; Edmund Waller; Silas Titus; and Henry Slingsby, secretary. On 21 March 1671 the following additional appointments were made: the duke of York, Prince Rupert, the duke of Buckingham, the duke of Ormonde, the earl of Lauderdale, Lord Culpeper, Sir George Carteret, and John Evelyn. To this number in August 1671 was added Sir Richard Temple. Besides these, Sir Orlando Bridgeman, the lord keeper; Lord Ashley, Sir Thomas Clifford, and Sir John Duncomb, commissioners of the treasury; and Lord Arlington and Sir John Trevor, secretaries of state, attended some of the council meetings by right of their official positions. But of all these only the first ten, together with Lord Culpeper and John Evelyn, were regular salaried members, the others being authorized to attend in order to give the council more influence.² The following list of the names of the more active members of both councils is arranged in the order of the percentage of possible meetings which they attended, beginning with the most frequent: Slingsby, Gorges, Grey, Williamson, Brouncker, Sandwich, Finch, Allington, Waller, Hickman, Evelyn, Culpeper, Titus, Winch, Shaftesbury, Halifax, Arlington, Carteret, Coventry.

Certainly in such a group one might reasonably expect to find a few men of exceptional qualifications especially chosen for their knowledge of colonial administration; and in this we are not wholly disappointed. Foremost in position, but scarcely in ability, was Sandwich, the president. Seaman, statesman, scientist, and musician, his varied interests brought him into contact with the most eminent men of the time. By an experience of fifteen years in matters relating to trade and plantations, he

¹ *Cal. of State Papers, Col.*, 1669-74, 1412; Beer, i. 251-4.

² *Cal. of Treas. Books*, 1672-5, 14, 34; *Cal. of State Papers, Col.*, 1669-74, 225, 470, 611; *New York Col. Docs.*, iii. 190-3; Evelyn, *Diary*, 26 May 1671; Harris, ii. 306-7.

was fairly well fitted for the presidency of the council. As early as 1655, at the age of thirty, he had been appointed a member of Cromwell's committee for trade, and thereafter, until 1670, he served on the following bodies : special committees for plantations of the council of state (1655-9), select council of trade (1660), privy council committee for plantations (1662-70), special colonial committees of the privy council (1660-70), committee of the house of lords for the improvement of trade (1669), and select council of trade (1669-72). He had interests in the Guinea Company and in the Company of Merchant Adventurers, and was likewise a member of the Company of Royal Adventurers Trading into Africa (1663), and of the Royal Fishing Company of Great Britain and Ireland (1664). Moreover, he had recently been ambassador to Spain, where, during the successful negotiation of a commercial treaty, he gained an insight into colonial affairs and disputes over shipping. As president of the council of plantations, he used this extensive experience to advantage. During his term of office he attended faithfully to his duties, collected papers and information about the colonies, and transcribed much of this material into a private journal which he kept. Creditable, however, as were his services, he was probably not the best man who could have been appointed. He gave no evidence of exceptional ability, nor did he show a firm grasp of any of the larger aspects of colonial control.¹

More competent administrators were Shaftesbury and Arlington. Shaftesbury's active interest in the plantations dated back to the time of the interregnum. With the exception of Cromwell's committee for trade, he had been a member of the same committees and councils as Sandwich. In addition he served on the select council of plantations (1660), was appointed on an Irish commission (1671), held stock in the Hudson's Bay Company (1670), and in the Royal African Company (1672), and was one of the most influential proprietors of Carolina and of the Bahamas. Indeed it was upon his advice that the king created the select council in 1670. At first he attended this body as one of the commissioners of the treasury ; but in 1672, upon the death of Sandwich, he was made president of the enlarged council. In November of that year he was also advanced to the position of lord chancellor. His attendance thereafter was more regular, and, though dismissed from the chancellorship in November 1673, he continued to preside at council meetings until March

¹ Journal, 1670-2, fo. 47, and *passim*; *Acts of the Privy Council, Colonial*, i. 491, 572, 610, 747; *New York Col. Docs.*, iii. 31; *Lords' Journals*, xii, 25 October 1669; Carr, *Select Charters of Trading Companies* (Selden Soc.), pp. 178, 182; Harris, ii. 43, 208-9, 211-12, 214-15, 231-2, 236, 282-4, 337-41; *Dict. of Nat. Biog.* xxxviii. 232-7; Andrews, pp. 39, 44.

1674. Shaftesbury was the moving spirit in these two councils, and it was his opinion and advice that chiefly carried weight. It is not surprising that the system did not long survive his fall.¹ Second only to Shaftesbury in colonial administration, was Arlington. Like Shaftesbury, he had served on special colonial committees of the privy council (1662-70), and on the privy council committee for plantations (1662-70), and likewise was a member of the Royal Fishing Company (1664), of the Hudson's Bay Company (1670), and of the Royal African Company (1672). As secretary of state much colonial correspondence had passed through his hands; and, after he became a member of the select councils, it was at times thought advisable by these bodies to delay the consideration of certain questions in his absence. Letters, petitions, and memorials from private persons as well as from governors and other officials in the plantations continued to be sent most frequently to Arlington, who usually brought them to the attention of the king in council for immediate action. To him also were referred many colonial questions which came before the councils of 1670 and 1672.²

There were other members whose experience and interests qualified them for service on these councils. Sir George Carteret, treasurer of the navy (1660-7) and vice-chamberlain (1667-80), besides having been a member of all the select councils of trade and plantations from 1660 to 1670, and of various colonial committees of the privy council, was also, with Shaftesbury, one of the proprietors of Carolina and of the Bahamas, and a stockholder of the Royal Adventurers of England Trading into Africa (1663), of the Royal Fishing Company (1664), and of the Royal African Company (1672).³ The most regular in attendance was Henry Slingsby,⁴ master and worker of the mint, who had previous experience on the select councils of trade of 1660 and 1668, and who served the council of plantations as its secretary from 1670 to 1672. Among the others whose ability merits

¹ Journal, 1672-4, fos. 3, 4, 22; *Cal. of State Papers, Col., 1574-1660*, pp. 412, 414, 416; *ibid.* 1669-74, 311; *Cal. of State Papers, Dom., 1668-9*, 542; *ibid.* 1671, 358; *Acts of Privy Council, Col.*, i. 610, 693, 747; *New York Col. Docs.*, iii. 30, 31, 33; *North Carolina Colonial Records*, i. 21, 102; *Lords' Journals*, xii. 25 October 1669; Carr, p. 187; Beckles Willson, *The Great Company* (Toronto, 1899), p. 50; Burnet, *History of His Own Time* (London, 1724), i. 96-7; Christie, ii. 93, 162; Barbour, pp. 110, 203; Harris, ii. 211.

² Journal, 1670-2, fos. 4, 10, 11, 13-14; *ibid.* 1672-4, fos. 4, 22, 59-60; *Acts of Privy Council, Col.*, i. 610, 693, 747, 908; *Cal. of State Papers, Col., 1669-74*, 196, 284, 609, 1132, 1203; Carr, pp. 182, 188; Evelyn, *Diary*, 23 June 1673; Willson, p. 50.

³ *Acts of Privy Council, Col.*, i. 491, 515, 536, 693; *Cal. of State Papers, Col., 1661-8*, 647, 679; *ibid.* 1669-74, 311; *Cal. of State Papers, Dom., 1668-9*, 224-5; Pepys, *Diary*, 19 November 1660, 11 April 1667; *New York Col. Docs.*, iii. 31, 33; *North Carolina Col. Recs.*, i. 21, 102; Carr, pp. 179, 182, 188; *Dict. of Nat. Biog.* ix. 208-10.

⁴ Journal, 1670-2, *passim*; *Cal. of Treas. Books, 1660-7*, 456, 711; *ibid.* 1676-9, 283; *New York Col. Docs.*, iii. 31.

consideration were Lord Culpeper,¹ John Evelyn,² whose interest in colonial affairs developed after the Restoration, Silas Titus,³ a member of the Company of Royal Adventurers Trading into Africa (1663), and of the Royal Fishing Company (1664), and Edmund Waller,⁴ the poet, who had served on Cromwell's committee for trade (1655), and on several committees of the select council of plantations (1660-4).

Very few changes were effected in this active group when the council of trade was joined to the council of plantations in 1672. Shaftesbury, on being made president of the enlarged council, became, as has been previously noted, a salaried member, while Culpeper was advanced to the position of vice-president. Except for Shaftesbury's appointment in the place of Sandwich and the failure to reappoint Thomas Grey, the regular membership of the council of 1670 remained unaltered, though later—in December 1672—Sir William Hickman was added to succeed Sir John Finch, who had accepted the post of ambassador to the Ottoman empire. Those who attended and voted without receiving compensation were Sir Thomas Osborne, the lord treasurer, Ormond, an honorary member of the previous council, Halifax, Sir Robert Long, and Sir Henry Coventry and Sir Joseph Williamson, secretaries of state.⁵

Three of these men deserve particular mention. Halifax had been a member of the select council of trade since 1669, and had also served, together with Sandwich and Shaftesbury, on the house of lords committee for the improvement of trade of the same year.⁶ The two secretaries of state, Sir Henry Coventry and Sir Joseph Williamson, were the most capable minor state officials attending the council of 1672. Coventry, a brother-in-law of Shaftesbury, had diplomatic experience, and, as a number of contemporary writers testify, was in many respects a very able man. He first attended council meetings in 1672 when he succeeded Sir John Trevor as secretary of state.⁷ Of the two, however, Williamson was the more industrious. Having com-

¹ Lord Culpeper's salary as a regular member began June 1670, though his first appearance at council meetings was on 4 July 1671. *Journal*, 1670-2, fo. 47; *ibid.* 1672-4, fo. 1; *Cal. of State Papers, Dom.*, 1668-9, 118; *Cal. of Treas. Books*, 1672-5, 14, 34.

² Evelyn, *Diary*, 5 January 1661, 13 July 1662, 10 March 1671.

³ Carr, pp. 179, 183; *Dict. of Nat. Biog.* lvi. 420-1.

⁴ *Cal. of State Papers, Col.*, 1661-8, 3, 5, 54; *Dict. of Nat. Biog.* lix. 123-7; Andrews, p. 40.

⁵ *Journal*, 1672-4, fos. 1, 3, 19, 87; *Cal. of State Papers, Col.*, 1669-74, 923; *Cal. of Treas. Books*, 1672-5, 4.

⁶ *Lords' Journals*, xii, 25 October 1669; *Cal. of State Papers, Dom.*, 1668-9, 651; *Dict. of Nat. Biog.* l. 356-64.

⁷ Coventry held stock in the Royal Fishing Company (1664). *Journal*, 1672-4, fo. 3; Pepys, *Diary*, 16 November 1667; Carr, p. 183; North, *Examen*, p. 483; *Dict. of Nat. Biog.* xii. 357-8.

menced his public service as a clerk in the office of Secretary Nicholas, and having retained the same position under Arlington, he was finally advanced to the office of secretary of state when Arlington was forced to retire in 1674. During these years his connexion with the plantations had been close and constant. That he had taken more than a passive interest in his duties is proved not only by his elaborate notes on colonial questions but also by his voluminous correspondence with public officials in the colonies. Even though his attendance at meetings was limited to the last few months of the council's existence, still, as secretary to Arlington, he rendered efficient service to both councils from 1670 to 1674.¹

At the beginning no permanent office was provided for the council of plantations. The first meeting on 3 August 1670 was held at Essex House, the home of Lord Keeper Bridgeman, and afterwards, until 25 October, there were sessions at Lord Brouncker's house in Covent Garden, at Lord Allington's house, at Lord Arlington's lodgings in Whitehall, at Lord Gorges's house in King Street, Covent Garden, and at Mr. Slingsby's house in Queen Street. No record has been found as to where the council assembled from November 1670 to May 1671, but on the 26th of the latter month Evelyn records that the earl of Bristol's house in Queen Street was taken over for more permanent headquarters. According to the same authority this house 'consisted of seven rooms on a floor, with a long gallery, gardens, &c.', and was 'furnished with rich hangings of the King's'; and in the large council chamber there were 'atlases, maps, charts, globes, &c.' Hardly had it moved into its new abode before the council, at the suggestion of the king, began considering plans for the erection of a building in Whitehall to be used as a colonial office. Except, however, for a few sessions at Sandwich's lodgings and at Slingsby's house, the meetings continued to be held in Queen Street until February 1672. Then the council moved to Whitehall, but apparently not into the new building that had been planned. At least one Whitehall meeting was held 'at His Majesty's Robes'.²

The council of 1672 had a more permanent habitation. After the first meeting it established itself at Villiers House, which it rented from the duchess of Cleveland. A shortage of funds compelled it to furnish the rooms with hangings borrowed from

¹ Williamson was a member of the Royal African Company (1672). *Cal. of State Papers, Col.*, 1661-8, 209, 238, 465, 521, 584, 639, 895, 1098, 1901; *ibid.* 1669-74, 934; Evelyn, *Diary*, 22 July 1674; Pepys, *Diary*, 1 March 1666; T. P. Courtenay, *Memoirs of Temple* (London, 1836), i. 358-9; *Dict. of Nat. Biog.* lxii. 2-7.

² That of 1 March 1672. See also *Journal*, 1670-2, fos. 1, 2, 6, 12, 16, 17, 50-3, 57, 63, 74, 75, 77, 91-2; Evelyn, *Diary*, 26 May, 26 June, 24 July 1671, 12 February 1672.

the king, while the little money it had was ordered to be spent for such articles as a carpet of 'Greencloath', 'Turkey worke chairs, Standishes, Candlesticks and other utensills'. That this council and its predecessor were supplied with maps and charts, as well as books, is evident, though the secretary, John Locke, stated in March 1675, that 'for Globes and Mapps he never had any'.¹

The office staff of both councils was practically the same, consisting of a secretary and treasurer, three clerks, a messenger, a doorkeeper, a porter, a maid, and a chamberkeeper. These employees were required to take an oath not to divulge any of the councils' business.² The secretary and treasurer of the first council was Henry Slingsby, a salaried member whose experience and faithfulness have already been noticed. Dr. Benjamin Worsley, a physician and merchant, was appointed secretary and treasurer of the council of 1672. He had been secretary of the council of trade (1650), had served on a committee in 1663 to determine the boundary between Rhode Island and Connecticut, had been a member of the select council of trade (1668), and had been assistant to his predecessor Slingsby from 1670 to 1672. As secretary and treasurer of the enlarged council he was very industrious, showing a keen interest in the economic development of the plantations. He resigned his post on 13 September 1673, because, though not a Roman catholic, he could not conform to the Test Act of that year.³ To succeed him there was appointed the philosopher John Locke, secretary to the earl of Shaftesbury. Locke had drawn up the 'Fundamental Constitutions' of Carolina (1669), was a member of the Royal African Company (1672), and as secretary to Shaftesbury had taken an active part in furthering the welfare of the colonies.⁴

Since the regular members received salaries, the costs incurred by these councils were higher than those of any former plantation councils. The average yearly expenditures of the councils of 1670 and 1672 were about £7,250 and £7,400, respectively, of which the former spent about £6,315 for salaries and £935 for

¹ Journal, 1672-4, fos. 1, 2, 22-3, 41, 47, 67, 72, 105; Journal of the Lords of Trade and Plantations, i. 9-10; *Cal. of State Papers, Dom.*, 1672-3, 213-14; *ibid.* 1673, 591; *Cal. of State Papers, Col.*, 1669-74, 1163, 1201, 1383.

² Journal, 1670-2, fos. 2, 3-4, 25, 41, 52, 91-6; *ibid.* 1672-4, fos. 10, 55, 83; *Cal. of Treas. Books*, 1676-9, 308; Evelyn, *Diary*, 24 October 1672.

³ Journal, 1670-2, fo. 76; *ibid.* 1672-4, fos. 1-2, 4, 46-7; *Cal. of Treas. Books*, 1669-72, 314, 317, 513, 769, 847, 1360; *Cal. of State Papers, Col.*, 1574-1660, 331, 332, 339; *ibid.* 1661-8, 433, 1299, 1822; *Cal. of State Papers, Dom.*, 1668-9, pp. 260, 617, 651; *ibid.* 1672-3, p. 164; Evelyn, *Diary*, 12 February 1672.

⁴ Journal, 1672-4, fos. 47, 55; *North Carolina Col. Recs.* i. 187-206; *Cal. of State Papers, Col.*, 1669-74, 279, 1151, 1162; Fox-Bourne, *John Locke*, i. 286; Carr, p. 188; Evelyn, *Diary*, 15 October 1673.

incidental expenses, and the latter about £6,400 for salaries and £1,000 for incidental expenses. For serving on the first council the president was paid £700 annually, and the other regular members £500 each, while for serving on its enlarged successor the president received £800, the vice-president £600, and the remaining regular members £500 each. Worsley, as assistant to Secretary Slingsby from 1670 to 1672, was allowed £300 a year, but after he became secretary and treasurer himself in 1672 he received £500, as also did Locke. Among the expenses were salaries for clerks and other minor employees, maps, books, stationery, coal, wood, candles, fees, and rent, repairs, and furnishings for the office. The annual outlay for the most important of these items was as follows: office rent from 1670 to 1672, £280, and afterwards £200; clerks £100 each, except the chief clerk of the council of 1672, £150; a messenger £30; a doorkeeper, at first £25, but later £30; and a porter, maid, and chamberkeeper £50 altogether.¹

At a time when the funds in the treasury were very low and when parliamentary grants and French subsidies were insufficient to meet the expenses of the king, there was frequently a decided difference between the salary which a government official was supposed to be paid and the amount which he actually received. This was partly true of the colonial councils of 1670 and 1672, for not only were many of their expenses paid several years after they were incurred, but some of them appear never to have been paid at all. In November 1670 the king ordered that the salaries of the members were to be paid quarterly and, at the suggestion of the plantation council, that £1,000 yearly should be allowed for contingent expenses. In spite of these orders the members were remunerated at irregular intervals and always many months in arrear, some of them being paid as late as 1678 for services rendered more than four years before. Sandwich died before he had received more than half his due, while Silas Titus does not appear to have received anything whatsoever for his attendance from 1672 to 1674. When in May 1674 secretary Locke asked permission to go to the country on business, 'being necessitated to take care for a supply of his present occasions out of His Estate becaus his Sallary had not been hitherto paid him', the council readily granted his request, knowing only too well the truth of his statement. Indeed no evidence has been found that he ever received any part of his salary. But the procrastination in the payment of the contingent expenses was even more exasperating. It was not until 1675 that Secretary Slingsby was

¹ Journal, 1670-2, fos. 19, 52, 91-4; *ibid.* 1672-4, fos. 10, 105; *Cal. of Treas. Books, 1669-72*, 769, 1351; *ibid.* 1672-5, 34, 419, 460, 579; *ibid.* 1676-9, 308; *Cal. of State Papers, Col.*, 1669-74, 342, 928, 1151, 1291, 1292, 1359, 1383.

reimbursed for a considerable portion of the incidental charges of the council of 1670. By 1674 the council was reduced to such financial straits that the clerks and other employees, despairing of ever getting what was due to them, began to resign, and it was only with difficulty that their places could be filled. At last a committee was appointed to present the serious condition of the council's finances to the Lord Treasurer Danby, but before anything could be accomplished its commission was revoked.¹

The time of the council meetings, the frequency with which they were held, and the number of members attending, varied from time to time. The days on which regular sessions were scheduled to be held were changed at least eight times in four years, beginning with Tuesday, Thursday, and Saturday afternoons in 1670, and after many variations ending with Tuesday and Friday mornings or afternoons in 1674. But the councils frequently failed to meet at the appointed times, and as a general rule they seemed free to assemble on any day of the week, including Sundays. The number of meetings to a year ranged from sixty-six in 1671 to forty-four in 1674, the average for the whole period being about fifty-eight. Little business was transacted in June, July, and parts of August and September, during holidays, and when the meeting of parliament required the attendance of some of the more active members of the councils. Five constituted a quorum. The average attendance between 1670 and 1674, even though twelve and thirteen were present at some sessions, was about seven.²

In the transaction of business the methods used differed very little from those adopted by previous councils. Special committees of three or four members were frequently appointed to investigate and report on particular questions. Letters to governors and other officials and departments were signed by all the members present at the meeting when they were read and approved. When important matters were to be discussed the great state officials and the members of the privy council were notified and asked to attend so as to give the council the benefit of their advice.

¹ The salaries of the council members and the allowances to the secretaries were usually paid in the form of 'money warrants' or 'treasury orders in repayment of a loan'. See *Cal. of Treas. Books, 1669-72*, 772. The salaries of some members were eventually paid out of the money which the king received from Louis XIV of France. *Ibid.* 1676-9, 1318, 1321, 1322; *Journal, 1670-2*, fos. 19, 22, 46, 51, 91-6; *ibid.* 1672-4, fos. 22-3, 26, 44, 64, 78, 83, 87, 94, 103, 105-6; *Cal. of Treas. Books, 1669-72*, 769, 1360, 1361; *ibid.* 1672-5, 36, 164, 295, 297, 310, 334, 339, 408, 411, 429, 651, 671, 704, 712, 726; *ibid.* 1676-9, 35, 108, 308, 344, 483, 926, 1056-7, 1154, 1357, 1448, 1468; *Cal. of State Papers, Col., 1669-74*, 342, 1280; Fox-Bourne, *Life of John Locke*, i. 293-4.

² *Journal, 1670-2*, fos. 5-7, 16, 19, 29, 40, 42, 50, 54, 61, 75, 90; *ibid.* 1672-4, fos. 1, 7, 20, 41, 43, 82, 85, 96; *Cal. of State Papers, Col., 1669-74*, 1015.

On several occasions the whole council accompanied the president in presenting a report to the king for confirmation.¹

A great variety of business, both colonial and commercial, was transacted by these councils during their brief existence.² An important phase of their work was to correspond with the colonial governors. Upon the appointment of a governor the council busied itself in drawing up his commission and instructions, often devoting days at a time to a discussion of certain articles before incorporating them in the final draft. On one occasion, after having secured sufficient evidence that a governor had violated his instructions, it used its influence to have him dismissed from the service. In addition to the orders given to these royal officials to correspond with the council on all occasions, a series of twenty-four separate queries was drafted and sent to them in September 1670, asking for a detailed account of their respective plantations. Replies to these were received from time to time, and in case they were not satisfactory the secretary was ordered to notify the governors of their negligence. But the council itself was not always prompt in its correspondence. Frequent were the complaints that came from Governor Lynch of Jamaica, who claimed that he had little or no news from England and that his first letter from the council was received over a year and a half after his arrival in the colony. Governor Lovelace of New York wrote in a similar vein, and facetiously remarked that the means of transmitting letters was very slow, 'like the production of Ellephats once allmost in 2 yeares'. Though the council attributed part of its negligence to the death of Sandwich and to the Dutch war, there is no doubt that a greater regularity in its correspondence would have conduced to a more efficient colonial administration.³

Besides its instructions to keep in touch with the royal governors, the council had orders to examine colonial laws with a view to their approval or disallowance by the king in council. At this time there were four colonies whose laws were subject to review: Jamaica, Barbados, the Leeward Islands, and Virginia.⁴ All of them transmitted copies of some of their laws at one time or another, but the council only found time to deal

¹ Journal, 1670-2, fos. 13, 18, 26, 28-9, 33, 42, 49, 62; *ibid.* 1672-4, fos. 5, 48, 59-60.

² A complete account of the kind of business transacted by these councils is given in Andrews, *British Committees*, pp. 102-5, 110-11, 133-51.

³ Journal, 1670-2, fos. 6, 27-30, 32-4, 37-40, 44, 53, 55, 63-70, 77, 86-7, 89; *Cal. of State Papers, Col.*, 1669-74, 285, 327, 588, 638, 640, 646, 704, 729, 742, 797, 943-5, 954, 1044, 1115; *New York Col. Docs.* iii. 189-90; Evelyn, *Diary*, 14 November 1676.

⁴ Russell, *The Review of American Colonial Legislation by the King in Council*, 439-40.

with a few of the laws of Jamaica. On 10 April 1673 the method of procedure for this legislation was adopted. It was decided that all the laws transmitted were

publicly to be read in open Councill. That all Such Lawes as shall upon the Reading and Debate of them be thought fitt by ye Councill to be tendered to His Majesty's gracious confirmation shall be presented with some breife Reports annexed concerning them, or with Such Arguments or Reasons for moveing his Majesty to passe them as the Nature and Necessity of the matter shall require, which being so prepared, are to be delivered to the Lord Chancellor or one of ye Principle Secretarys of State to be by them humbly Offered to His Majesty. That all such Lawes as the Councill shall not Judge meet for His Majesty's confirmation either of the reason of the matter it selfe of them or by reason of some particular clause or expressions which are or may be contained in them are to be reported more at Large with the Reasons of Arguments that did lead the Council not to Approve of them.¹

Of the thirty-four acts signed by the governor of Jamaica on 14 May 1672, three were approved and four were disapproved by the council between November 1672 and June 1673. No further record of these laws is found until March 1674, and then when the council desired to act upon the remainder, they could not be found. They were finally located and in September of that year sent to Lord Culpeper, the vice-president, for perusal, but to no avail, for the acts were limited to two years and hence had already expired. Since there is no evidence of the council's ever dealing with the laws of Barbados, the Leeward Islands, or Virginia, and in view of the failure of its action upon the laws of Jamaica, it can hardly be stated that it wielded effectively this important weapon of colonial control. On the contrary, the colonies, as a result of this procrastination, were left pretty much to themselves in the matter of legislation and started the practice of re-enacting laws at the end of two years. This called down upon them the wrath of the council, which thereupon instructed the governors not to re-enact any law except upon very urgent occasions with the permission of the king. But before anything further could be accomplished, the council's commission was revoked.²

Another glimpse of these bodies in action is furnished by the attempt of the council of 1670 to adjust a dispute with Massachusetts growing out of the claims of Ferdinando Gorges and Robert Mason to Maine and New Hampshire. These provinces had been annexed by Massachusetts in disregard of the

¹ Journal, 1672-4, fos. 37-8.

² Journal, 1670-2, fo. 23; *ibid.* 1672-4, fos. 5, 27, 28, 31, 39, 44, 80, 85-6; *Cal. of State Papers, Col.*, 1669-74, 367, 829, 932, 983, 1003, 1011-13, 1123, 1264, 1272, 1386, 1392, 1398; Evelyn, *Diary*, 8 November 1672; *New York Col. Docs.* iii. 204.

orders of the royal commission of 1664. When the petitions of Mason and Gorges protesting against this high-handed action came before the council in the spring of 1671, it immediately set to work to give the matter a thorough investigation. Between April and August it was busy gathering information prior to rendering a decision. Mason and Gorges were called upon to present their side of the case; the patent of Massachusetts was read; a map of New England was examined; papers in the office of the secretary of state relating to the case were sent for and perused; the commission and instructions to the royal commissioners of 1664 were brought in and read by Sandwich and copies transcribed for the use of each member of the council; Colonel Cartwright, one of the commissioners of 1664, was called in to present his views on the state of New England; and Colonel Middleton and others with a knowledge of Massachusetts were interviewed. In the course of the investigation there developed two types of opinion among the councillors, some maintaining that Massachusetts should be brought to terms by a threatening letter, while others, fearing that the colony was 'almost upon the very brink of renouncing any dependence on the Crown', were in favour of sending a conciliatory letter until all the facts in the case could be properly ascertained. Sandwich was of the latter opinion. On 2 July, after thoroughly considering the whole dispute, he drew up a private memorandum in which he stated that 'the way of roughnesse and peremptory orders, with force to backe them', was altogether inadvisable, and that instead two commissioners of 'fidelitye, prudence, and sobrietye' should be sent from England to join with two commissioners chosen in New England to settle the boundary question. This suggestion was adopted in part, for on 12 August the council submitted a report to the king suggesting that commissioners be sent to New England before the end of October with orders to adjust the boundary disputes and also with secret instructions to gather information on 'the condition of those colonies, and whether they were of such power as to be able to resist his Majesty and declare for themselves as independent of the Crown'. The king approved the report but deferred the sending of commissioners until the spring. Spring came, the king appointed the commissioners, and their instructions were drawn up by the council; but because of the Dutch war the project was abandoned. It was not until 1676, when the lords of trade and plantations sent Edward Randolph to New England, that this matter was again taken up by the English government. Meanwhile, the colonies in New England did as they pleased.¹

¹ *Journal*, 1670-2, fos. 43-7, 49-51, 55-6, 62-3, 76-7, 80; *Cal. of State Papers, Col.*, 1669-74, 439, 512, 593, 598; *Cal. of State Papers, Dom.*, 1671, pp. 204-5;

The councils of 1670 and 1672 transacted much other business. In spite of the fact that they were labouring under many serious handicaps—financial difficulties, a lack of executive authority, changes in membership, political strife, and a foreign war—they did unquestionably consider a wider range of colonial and commercial affairs than any of their predecessors. But it was partly due to the great variety of their activities and to their attention to a multiplicity of details that they took a narrow view of their function and failed, with few exceptions, to develop any general colonial policy. Much time was taken up in the consideration of complaints and disputes, while comparatively little attention was paid to such larger aspects of colonial administration as defence, the acts of trade, review of colonial laws, and appeals from colonial courts. It may be said, in short, that the councils of 1670 and 1672 were rather efficient bureaus of information and of adjustment for plantation affairs than progressive organs of colonial administration.

RALPH PAUL BIEBER.

Letters of Queen Victoria to Frederick William IV, 1848-9

ON the night of 27 February 1848, immediately after the receipt of the disturbing news of the revolutionary outbreak in Paris, King Frederick William IV of Prussia wrote to Queen Victoria a characteristically emotional letter. He asked for a common action of the great powers to forestall any external aggression of the revolutionary forces, not with arms but with the force of 'united speech'. He blessed Providence that the energetic Palmerston was at the head of the foreign office in this grave hour. Next day, on the arrival of the news of Louis-Philippe's abdication, Frederick William reopened his letter and added in a postscript that no dealings were possible with the French people while it was still infuriated with crime, but that so soon as a regular government should have been established, the united word of the great powers should immediately be communicated to it. A translation of this letter is printed in *The Letters of Queen Victoria*,¹ but not the answer to it. This is printed below from the Hausarchiv at Charlottenburg.

On 1 March Radowitz left Berlin for Vienna to discuss the situation and the mobilization of the federal troops against France.² The Prussian ambassador in London, Bunsen, had

Evelyn, *Diary*, 26 May 6, 20, 21 June, 3 August 1671, 12 February 1672; Harris, ii. 219, 337-41; Bieber, *The Lords of Trade and Plantations, 1675-96* (Allentown, 1919), p. 57.

¹ ii. 177.

² Dispatch of Knyphausen, Hanoverian minister in Berlin, 2 March 1848 (Staats-

confidentially handed Frederick William's letter, together with a duplicate, to Prince Albert, who after reading it gladly undertook to pass it on to the queen as a 'reines Privatschreiben'.¹ It was agreed that Bunsen should mention it to Palmerston only in general terms. As early as 4 March the queen expressed to Bunsen through the prince consort her pleasure at receiving the letter and at its contents, and on the 6th Bunsen was able to transmit to Berlin the queen's answer, along with a communication of the prince.² The latter had sent for Bunsen and read to him the drafts of both pieces. Before receiving the queen's reply Frederick William, anxious to make sure of Palmerston's playing his part as arbiter of Europe, wrote a private letter to Bunsen in which he fully and enthusiastically set out his high-flying plan for the preservation of peace.³ His hopes of Palmerston were, however, mistaken. There seemed to be a contradiction between the pacific professions of Lamartine to the representatives of foreign powers and the declaration of his European manifesto that the treaties of 1815 were no longer binding; but the British government would not adopt a policy which would have precipitated the evil it was meant to avert. Lord John Russell had declared in parliament that the queen would not interfere in the internal affairs of France.⁴ In a letter to her uncle the king of the Belgians, foreshadowing the recognition of a republican French government, Queen Victoria wrote that personal feelings of sympathy with the French royal family and feeling against the revolutionaries must be subordinated to the public good and the peace of Europe.⁵ The tsar Nicholas had no greater success with a letter to the queen in which he hinted 'que notre union intime est appelée peut-être à sauver le monde'.⁶

The English attitude and the course of events in Germany compelled Frederick William to set himself more modest aims. Later in the year he was endeavouring to give a Prussian and absolutist direction to the movement for German unity; but things were going against him. In November 1849 Queen Victoria addressed another letter to him, which she entrusted to Lord Westmorland, her ambassador, who was then to return to Berlin. This too is wanting in the printed collection of her letters and is

archiv, Hanover). Meinecke, *Radowitz*, p. 60, gives the date as 2 March. Even if Metternich suggested the mission of Radowitz (see *Nachgelassene Papiere*, vii. 595), it was Frederick William and not, as is stated by Dr. Stern (*Gesch. Europas*, vii. 7), he who was the first to urge the 'Konzert der Grossmächte'.

¹ Bunsen's dispatch of 5 March, Geheimer Staatsarchiv, Berlin.

² *Ibid.*, 6 March.

³ Letter of 9 March in Ranke, *Aus dem Briefwechsel Friedrich Wilhelms IV und Bunsens*, p. 178.

⁴ Russell to the queen, 29 February 1848. in *Letters of Queen Victoria*, ii. 182.

⁵ Letter of 1 March, *ibid.* ii. 184.

⁶ Letter of 3 April, *ibid.* ii. 196.

given below, also from the Charlottenburg Hausarchiv. On 29 March 1848 Prince Albert had communicated to Frederick William a 'Bauplan' for the unifying of Germany, which the king in an autograph comment had praised extremely highly: of all constitutional projects this 'des geistreichen und klugen Prinzen' corresponded most closely with his views.¹ The difficulties which now beset the Prussian policy were, however, well known in London.² Frederick William was moved by the sympathy of Queen Victoria, and in his reply referred to England as the power 'augenscheinlich vom ewig gerechten König der Könige' called and appointed 'der selbstbewusst gottlosen und jedem heiligem Rechte feindlichen Revolution, die endlich jede Maske abgeworfen habe, siegreich und in Gottes Kraft entgegenzutreten'.³ He then gives an account of the position of Germany, mentioning his interview with Francis Joseph at Pillnitz in September. He recognizes the possibility that the German states may reject what he regards as the suitable remedy for their ills 'wie zwei königliche Häuser', he adds bitterly, 'es fast zu beabsichtigen scheinen, denen Ew. Majestät durch Geburt und Ehe verwandt sind'. These, of course, were Hanover and Bavaria.

The two letters printed below are written, except for the curious English passage in the former, in a fluent German style which suggests that they were probably drafted by Prince Albert.

BRUNO KRUSCH.

I

Queen Victoria to King Frederick William IV

Buckingham Pallast,
Am 5^{ten} März 1848.

Verehrtester Herr Bruder,

Bei dem entsetzlichen Pariser Ereignisse war einer meiner ersten Gedanken an Eure Majestät gerichtet, deren edles und tief fühlendes Gemüth nicht minder Abscheu vor der Missethat und Mitleid mit den Gefallenen als Sorge um die dunkle Zukunft empfinden musste. Ihr so freundlicher und vertrauensvoller Brief, welchen ich gestern erhielt, beweist mir, dass auch höchst Sie meiner in dem ersten Augenblicke gedachten. Und ist schon diess eine wahrhafte Freude für mich, so ist es eine noch grössere zu sehen, dass die von Eurer Majestät so schön ausgesprochenen Ansichten im Ganzen der Wiederhall davon sind, welche auch mich und meine Regierung beseelten.

Die Französische Nation wird dereinst für die vielen Sünden büssen

¹ Letter of that date in the Hausarchiv, Charlottenburg.

² See the letter of Russell to Queen Victoria, 29 November 1849, in *Letters of Queen Victoria*, ii. 272, where 'Russia', the first time it occurs, is obviously a misprint for 'Prussia'.

³ Letter of 9 December 1849, Hausarchiv, Charlottenburg.

müssen, die sie wieder und wieder begeht und kein Schicksal könnte gerechter für sie sein, als in Mitten ihres eigenen Werkes sich überlassen und verurtheilt zu bleiben, ihre Prinzipien an sich selbst zur Ausführung zu bringen, ohne durch den Kampf gegen andere Nationen sich den Folgen ihrer eigenen Thaten entziehen zu können.—

Lassen Sie uns darum vor Allem einen jeden Schritt vermeiden, der dieselbe zu einem Angriffe gegen das übrige Europa reizen oder ihr zu einem solchen als Vorwand dienen könne. Lassen Sie uns aber zugleich vereint wachsam bleiben, damit ein jeder Angriff mit Energie zurück gewiesen werden könne. Ich glaube die Franzosen werden sich wundern, so wenig Enthusiasmus in Belgien für sich gefunden zu haben, sowie darüber, dass sie, wie ich hoffe, ebenso wenig in Deutschland finden werden. Das '*gemeinsame Wort*', welches Eure Majestät ausgesprochen zu haben wünschten, würde als öffentliche Erklärung in diesem Augenblicke vielleicht zu sehr den Schein eines *défi* haben und den Franzosen unsren *einigen* Sinn als eine Coalition darstellen, welcher sich zu widersetzen ihnen leicht eine Sache des point d'honneur werden könnte. Auf Privatwegen übrigens haben wir von Lamartine erfahren, dass er selbst eifrig bemüht ist, den Bestand der neuen Französischen Regierung auf Friede und Anerkennung des Status quo zu gründen, wenn er auch der gegenwärtigen Aufregung gegenüber in der Wahl seiner Ausdrücke in öffentlichen Proclamationen grosse Vorsicht beobachten muss. Die Freundschaft Englands scheint der allgemeine Wunsch in Paris zu sein und wir verfehlen nicht deutlich zu machen, dass diese mit Vergrößerungs-Absichten auf dem Continent nicht vereinbar sein wird. Die Verträge sind bis jetzt von keiner Macht so heilig gehalten worden als von England und however strong the desire for peace may be in this country, the people and Parliament have never failed and I hope will never fail to enable the Crown to fulfil its engagements.

Sir Stratford Canning, der schon so oft Eurer Majestät angemeldet worden ist, soll nun nach Berlin abgehen und kann Eure Majestät genau von allen hiesigen Ansichten in Kenntniss setzen.

Die arme Königliche Familie thut mir zu leid.—Einzeln wirft die Fluth ihre Glieder wie Schiffbrüchige an unsere Küsten. Albert sah gestern das gestürzte Königspaar in Claremont, wo wir ihnen ein Asyl angeboten haben. Welche schrecklichen Tage sie durchlebt haben, ist nicht zu beschreiben, und die Wunden in ihrem Herzen müssen sehr tief sein.—Die Zukunft liegt verhängnissvoll vor uns, doch baue ich mit Ihnen, verehrter Herr Bruder, auf unsern Gott, in dem wir mit Luther „*eine feste Burg*“ finden werden.

Er sei mit Ihnen, der lieben Königin, Ihrem Reiche, dem lieben Deutschland, mit dem ich ja selbst durch Blut-Verwandtschaft und Gefühl so vielfach zusammenhänge.

Ewig

Eurer Majestät

treue Freundin und

gute Schwester

Victoria R.

The Same to the Same

Windsor Castle,
Am 17^{ten} Nov. 1849.

Verehrtester Herr Bruder,

Die Rückkehr Lord Westmoreland's nach Berlin bietet mir eine Gelegenheit, mich in Eurer Majestät Gedächtniss zurück zurufen, wenn es dessen bedürfen sollte.—Wir sind in Gedanken viel um Sie gewesen und haben mit der grössten Aufmerksamkeit und Freude sowohl den Fortschritten gefolgt, welche Sie in der Beruhigung und Reorganisation Ihres eigenen Landes gemacht haben, als Ihren edlen Bestrebungen, dem in Deutschland, wie es scheint, so stark gefühlten Bedürfnisse nach Einigung eine zweckmässige Realisation zu verschaffen.

In beiden Werken werden Eure Majestät gewiss den Muth und die Geduld nicht verlieren, welche dabei und besonders bei dem letzteren stark in Anspruch genommen werden.—

Den Zustand unsres Landes kann ich Ihnen nur als einen sehr befriedigenden schildern. In Irland hat man uns einen glänzenden Empfang gegeben und die Irländer sind stolz und eitel auf die Loyalität geworden, welche sie dabei an den Tag gelegt haben, und welcher man sie für unfähig erklärt hatte.—

Von dem Befinden der lieben Königin Adelheid kann ich Eurer Majestät keine tröstliche Kunde geben. Ihr Zustand ist ein hoffnungsloser, obgleich sie häufig augenblicklich besser erscheint.—Wir haben sie schon mehrere Wochen nicht gesehen, weil sie niemanden mehr zu sehen wünscht, um sich den Schmerz des Abschiednehmens nicht zu erneuern. Im Lande ist die Trauer um sie tief und allgemein.¹—Ihr kleiner Pathe dagegen ist wohl und entwickelt sich recht schnell; er ist jetzt unter den Händen eines Hofmeisters,—Mr. Birch (ein ominöser Name für einen Hofmeister), der früher Assistant Master in Eton gewesen ist, und mit dessen Geschick mit dem Kinde umzugehen wir recht zufrieden sind. Ich wage es eine kleine Lithographie Lord Westmoreland für Eure Majestät mitzugeben, welche den Kleinen mit seinem Bruder darstellt, wie sie in Balmoral gewohnt sind, die Berge zu besteigen. Sie ist nach einem Bildchen von Winterhalter gemacht und hat das Verdienst grosser Aehnlichkeit. Mit der Bitte mich der theuren Königin herzlichst zu empfehlen und Alberts freundschaftlichste Empfehlungen gütig aufnehmen zu wollen, verbleibe ich,

Verehrtester Herr Bruder,

Eurer Majestät

Schwester und Freundin

Victoria R.

¹ Queen Adelaide died on 2 December.

Reviews of Books

A History of Magic and Experimental Science during the First Thirteen Centuries of our Era. By LYNN THORNDIKE. Two volumes. (New York : Macmillan, 1923.)

PROFESSOR THORNDIKE deserves our congratulations upon an achievement which must have demanded great industry and prolonged self-discipline. His enormous book, containing close upon two thousand pages, is beyond the range of any single reviewer, and much of it lies outside the interests of most readers of this Review. How far it will satisfy the students of the history of magic and of science I am not competent to say, but I imagine that they will use it very much as other historical students will use it, as a convenient and well-arranged collection of facts and summaries of texts. Mr. Thorndike refers only incidentally to the practice of magic, which, as William of Auvergne pointed out in the thirteenth century, was, comparatively speaking, rare in western Europe. Moreover, he deals only casually with the history of science. He is indifferent, for example, to the close relation which has always existed between experimental science and logic in the highest sense, and for this reason his work is not so stimulating or helpful as that of the late Pierre Duhem. One feels that he would allow more influence on the history of experimental botany to belief in the magical property of herbs than to the Platonic ideas which directed Goethe's views on the metamorphosis of plants. Mr. Thorndike is no philosopher ; he is satisfied with the conviction that belief in the power of the stars has been more helpful, because it is more scientific, than belief in the power of prayer (ii. 369). He can feel nothing but compassion for the distinguished theologian of the middle ages who tried to face the difficulty of belief in both (cf. ii. 340 n.).

On the whole Mr. Thorndike confines himself to the literary sources, patristic, scientific, scholastic, from the days of Pliny to those of Peter of Abano. In his treatment of them he adopts a practice which the exigencies of an exact scholarship have in recent years brought again into fashion. This is the method of the *Histoire Littéraire de la France*, whose contributors use it with ever-increasing effect, of Duhem's *Le Système du Monde*, of Hauréau and also of Dr. Grabmann's *Geschichte der Scholastischen Methode*. Each writer of any importance is discussed separately in chronological order, the less significant works being grouped from time to time in separate chapters. After an account of the author, supported by abundant bibliographies, the relevant writings or passages are described and minutely analysed. Generally, Mr. Thorndike adds a list of the numerous manuscripts which he has consulted in order to check the readings of incunabula

and later printed editions. The disadvantages of this method are of course obvious, and would make it impracticable in a book which was intended to be a definitive treatise on a limited theme. It involves the discussion of much that is irrelevant, it courts the danger of a false perspective, and it necessitates wearisome repetition. The well-informed reader will wonder why he should be given a life of Pliny or of St. Thomas Aquinas; the ignorant or casual reader will be puzzled to know which authors were magicians and which were not. The incessant repetition of theories on the properties of plants, birds, beasts, stars, and precious stones will become tiresome, and the more so because, as expounded by a particular writer, they may or may not be of real significance in his thought. Yet on the whole the advantages of Mr. Thorndike's method outweigh its defects. It must be remembered that we are living in the midst of a great revival of interest in the intellectual history of the middle ages. Every year old views are modified, established reputations revised, forgotten writers brought to light, new affiliations made. Mr. Thorndike's book is a most helpful introduction to the men who write, if only to one aspect of their writings. We may find in it a collection of studies which has no rival in English. It is natural that, as they have been written over a long period of time, they are not all quite up to date, and, even since the book appeared, much important work has been done. Dr. Haskins has published some valuable articles on Michael Scot;¹ Duhem's chapter and some of Bruno Nardi's articles on that very interesting scholar Pietro of Abano have not been used;² and M. Birkenmajer has recently shown the significance, from the point of view of Mr. Thorndike's book, of Henri Bate of Malines, whom Mr. Thorndike does not mention.³ Doubtless other instances could be given, by those who know, of the rapidity with which even the most exhaustive books in this field can be left behind. But this is in the nature of things. It does not in the least detract from the value of a work which we can now use as a starting-point for inquiry into most of the writers and a considerable part of the learned literature of the middle ages. Mr. Thorndike always writes with freshness and zest, and often with admirable force and insight. His preoccupation with a single theme gives unity to his book and enables us to see a unity in the development of medieval thought. One great advantage which results is that the more distinguished people are put in their right place, sometimes at the sacrifice of their claims to originality; and in this connexion I should like especially to commend to all readers the masterly study of Roger Bacon.

Mr. Thorndike cannot know everything about all his subjects, and a good many loose threads have naturally been left. Every specialist who uses the book will doubtless have his grievance, and I have already

¹ 'Michael Scot and Frederick II' in *Isis*, iv. 250-75, October 1921; 'Science at the Court of the Emperor Frederick II' in *American Historical Review*, xxvii. 669-94, July 1922. These papers have now been revised and reissued by Dr. Haskins in his *Studies in the History of Mediaeval Science* (1924), a work which contains some significant references, by way of praise and criticism, to Mr. Thorndike's book.

² Duhem, *Le Système du Monde*, iv (1916) 229 ff.; Nardi, in *Nouva rivista storica*, 1920.

³ Birkenmajer, 'Henri Bate de Malines, astronome et philosophe du xiii^e siècle', in *La Pologne au Congrès International de Bruxelles* (Cracow, 1923).

suggested that it cannot be regarded as a reasoned exposition of medieval science nor as a history of magic as a factor in social development. It gives a strange and very poor impression of the intellectual calibre of men in the middle ages; and Mr. Thorndike does not concern himself with the much more serious preoccupations of the greater medieval thinkers. Indeed, although it may sound impertinent to say it of one who has managed to compile ten times more information than most of us can hope ever to possess, Mr. Thorndike does not always show the curiosity and thoroughness of the true scholar. He is indefatigable rather than penetrating, and conveys the impression that he is more concerned to tell us everything he knows than to deal with it as part of a larger whole. One instance which I have noted implicates the reputation of a great historian. Mr. Thorndike is quoting in a foot-note (ii. 675) Stubbs's summary, drawn from Matthew Paris, of the charges brought against Hubert de Burgh: 'he had stolen from Henry and given to the Prince of Wales (even Stubbs nods!) a talisman which rendered its wearer invulnerable.' Whom does Mr. Thorndike suppose this prince of Wales to have been?

F. M. POWICKE.

A History of the Art of War in the Middle Ages. By SIR CHARLES OMAN.
Two volumes. (London: Methuen, 1924.)

THE original edition of this book was published in 1898 as the medieval section of a series of four volumes, which was to give a general sketch of the history of the art of war from Greek and Roman times to the beginning of the nineteenth century. The immense variety of activities in which Sir Charles Oman has been immersed during the last quarter of a century has doubtless prevented the materialization of this ambitious scheme. This is perhaps just as well, for the failures of Köhler and Delbrück have shown that it is not humanly possible for a single person to write satisfactorily on so vast a subject, having regard to the present state of our knowledge. How far Sir Charles Oman succeeded in dealing with the middle ages was described in this Review in a very careful and exhaustive article by Dr. J. E. Morris, the scholar whose original work has done most to set forth clearly the turning-points in English military history in the middle ages.¹ There is no need to repeat again what was well said on that occasion. Ample justice was there done to the breadth of vision, the width of knowledge, and the remarkable gifts of presentation which were displayed in that volume. At the same time certain defects, such as carelessness in details, undue haste, lack of critical method, neglect of record sources, were clearly pointed out. Other critics struck similar notes, some, like Dr. Round, with what appears to us somewhat excessive acerbity, and others with more moderation and restraint. Moreover, interest in the subject, and perhaps in some cases, the wish to set some stages of the evolution of tactics in a clearer light, have produced studies which, in their aggregate, have given Sir Charles Oman ample material for revising and supplementing his judgements. After a long silence he has, as he tells us, taken advantage of 'the long parliamentary recess of 1923'

¹ *Ante*, xiv. 129-34.

to complete a second, revised, and expanded edition of his book. The results of this process are to be seen in the two handsome volumes which we now have before us.

Let us first see what Sir Charles has undertaken to do. Rightly conscious that the conclusion of his early edition somewhere about 1375 was an abrupt stop at a 'bad and arbitrary date', he has written a continuation which carries military history up to the end of the middle ages. To do this he has added 'six new sections to the eight which were contained' in the original book. These amount in all to 'four hundred pages of fresh matter', and include sections on aspects of military science omitted or scantily treated in the earlier version. To these are added 'correction and revision' of the five hundred pages, or more, which survive of the 1898 edition. It is a remarkable programme for even a long parliamentary recess, and it is the more remarkable that our author has carried the thing through and completed his volumes. The very appearance of the book is a striking testimony to Sir Charles's vigour, versatility, industry, and learning. The new matter has all the high qualities which made the older form of the book both pleasant and profitable reading. It has also just the same defects of those qualities which marred the earlier work. But the two volumes have the immense advantage of presenting medieval warfare as a single and coherent whole. The new sections, combined with the expansions and revisions of the old matter, make the second edition a much better and more useful book than its predecessor. It is seldom that history written in a hurry can be said to present results of permanent value. It is a tribute to the gifts of Sir Charles that history thus hastily treated is not only agreeable reading but instructive to all but the more rigid type of scholar. It is only one's duty to add that all its merits are as a work of synthesis and popularization, written on bold lines; its details and its scholarship still leave much to be desired.

Let us first deal with the corrections and revisions. These are fairly numerous and nearly always for the better, but our author has not taken the trouble to carry through the process as completely as he easily might have done. A few examples will suffice. In 1899 Dr. Morris mentioned in these columns five little slips of detail, which anybody might have made, but which ought to have been corrected. We turn to the revised version and find that none of the slips have been remedied, though in every case but one the error was absolutely obvious. To take more important matters, Mr. Morris regretted 'two things: he does not show which authors ought to be followed, and why; and he has not made sufficient use of the public records'. There is little to show that the revision shows any consciousness of these defects. In the new chapters the references to sources are even scantier than in the old ones, and criticism of sources is still almost entirely lacking. The only case where an unpublished record is quoted is due to the kindness of a friend and concerns a somewhat trivial matter.

It cannot be said that Sir Charles has mastered what has been written on the subject since his work was first published, though he has glanced hastily at a good deal of the relevant literature. He has thrown his best energies on to a few big points. For example, his account of the battle

of Bannockburn has wisely been rewritten on the basis of the excellent work of Mr. W. M. Mackenzie, who has converted practically all scholars to his view of the battle. Characteristically Sir Charles's acquaintance with Mr. Mackenzie's publications apparently stops short in 1909, for he does not mention his 1913 volume. But Sir Charles's acknowledgement of his obligations is as casual and irregular as everything else with him. He does all that is befitting in recognizing his debt to Mr. Mackenzie. Sometimes he speaks in becoming, though perhaps rather too patronizing, terms of the 'patient work' of 'such writers as Dr. Morris', and once, in an old note on Dupplin, his acknowledgements are full and handsome. Elsewhere, he more or less appropriates Dr. Morris's results with a minimum of acknowledgement. Other cases might easily be quoted, but recognition of obligation is a matter of taste, and with Sir Charles his taste varies in this relation according to his mood. But it is a little irritating for a critic to see his views magisterially brushed aside by a writer who has not taken the trouble to understand them. Moreover, it is at least certain that an author ought not to quote a fellow-worker to prove something which that writer has set forth to disprove. Thus, Sir Charles continues, as in 1898, to make Dupplin Moor the starting-point of the adoption by the English of Scottish tactics, though he admits in a note (ii. 101) that the first 'conscious English attempt to combine dismounted men at arms' may be 'at Boroughbridge ten years earlier'. But this, he adds characteristically, was 'a very small affair'. But so for that matter was Dupplin itself, and anyhow he ought not to refer to an article, written to show the importance of Boroughbridge¹ as a first link in the chain of tactical evolution, as if it were written to prove it a 'very small affair'. And if we must perforce be satisfied with a vague reference to a note in this Review under the year of its publication, the year quoted ought to be the right year and not two years out.

The rewritings of the old book include not only new versions of Hastings and Bannockburn, but a full account of Courtrai, as Dr. Morris long ago suggested, and a new chapter 'From Crécy to Poitiers' (the eccentric spelling is Sir Charles Oman's) in which are worked up a certain number of notes published in this Review,² though with a minimum of reference to them. Yet Sir Charles begins this chapter by talking about a 'new tactical device' in 1346, when it has been shown that the 'new device' was nearly a quarter of a century old, and that Edward III had already offered battle on the lines of Crécy at Buironfosse, which he mentions, and near Tournay and on the landes of Lanvaux, which he does not. Yet despite this he still reprints the erroneous conclusion that the years 1338 to 1346 were 'singularly deficient in events of any decisive tactical interest', minimizes the important battle of Morlaix in 1342, and absolutely misunderstands the passage of Geoffrey the Baker which he refers to on ii. 126. In putting in these new points, he is too much in a hurry to strike out all traces of former misapprehensions.

Some important matters are slurred over. The development of the dismounted men-at-arms and the continuance of the fashion, outside Italy, until nearly the end of the middle ages, are well traced in most essentials.

¹ *Ante*, xix. 711-15.

² See in particular *ante*, xx. 726-30.

Yet Sir Charles cannot make up his mind whether to call them 'infantry' or 'cavalry', when in truth they were in later language 'heavy dragoons'. It is of social as well as tactical significance that the well-born gentry fought on foot with much the same equipment as the heavy infantry of the Flemish cities who triumphed at Courtrai and the solid yeomanry of Scotland and the Forest Cantons who won Bannockburn and Morgarten. The horses had become mainly a means of getting about, though the men-at-arms, well skilled in horsemanship and mounted tactics, could, upon occasion, serve as cavalry as well as in the infantry fighting line. It was the same with the 'mounted archers', who are sometimes treated as if they fought on horseback, like the Saracens of the crusading period, when it is plain that they normally used their horses for purposes of travel, and fought on foot just like the ordinary foot archer. It was only by mounting every fighting man that the great raids into France could be successfully carried through. The proper emphasis is not given to the stiffening up of the equipment of the archers so that they could, as for example at Agincourt, fight side by side with the heavily equipped men-at-arms, without incurring disgrace or defeat. No doubt Sir Charles knows all these things, but he is too much in a hurry to think them out. That same haste leads to many of his corrections being only half corrections. Thus he has learnt now to give up calling Walter of Hemingburgh 'Hemingford', but he still quotes him in an obsolete edition without making it clear to his readers what he is doing. Similarly Ordericus Vitalis is sometimes referred to in an ancient edition and sometimes, more properly, in that of Le Prévost. Such subtleties as distinguishing between Froissart and Jean le Bel are seldom indulged in. As often almost as not, the titles of books quoted are given inexactly.

The lack of first-hand knowledge of record sources makes Sir Charles's account of the levying, equipment, and organization of an Edwardian army somewhat perfunctory and superficial. As a writer of history from chronicles, he is at his best with battles for which the chronicles must be our chief source. Yet the width of Sir Charles Oman's field makes exhaustive or critical study of even the chronicles impossible, and it is characteristic of his methods that in his elaborate account of the battle of Aljubarota (always spelt with two t's) he ignores Portuguese authorities altogether, though he would have found in Fernão Lopes a chronicler who should have a special appeal to a writer who is alive to the charm of Froissart, and there are modern accounts which should not have been ignored. Fortunately Sir Charles makes better use of the sources in his useful and interesting accounts of the Wars of the Roses, the Swiss victories, and the final stages of the Hundred Years' war. He writes well on the early history of fire-arms, and has some valuable remarks to make on the process which, first in Italy, and ultimately beyond the Alps, led to the revival of the mounted arm towards the end of the middle ages. Here his gifts of marshalling and exposition come out at their best. Yet even here precision and criticism are sometimes sadly to seek.

It is painful to harp so long on the limitations rather than the merits of a book which, with all its defects, has been a delight and a stimulus to many, and conveys a vivid picture, substantially right in its main features,

of the fighting of a long and intricate period. But though good reading and excellent popular history, it is not a work of exact scholarship. And it is difficult to consider the work of the holder of one of the leading chairs of history in this country otherwise than as a contribution to scholarship. Even the desultory reader had better be told the details correctly, however soon he may forget them.

T. F. Tout.

The Danegeld in France. By EINAR JORANSON. (Rock Island, Illinois : Augustana Library Publications no. 10, 1923.)

THIS is a thorough and careful piece of research on a subject which, as the author says, has only been incidentally discussed hitherto. He claims with justice to have made an exhaustive survey of the circumstances of the twelve levies of Danegeld in the West Frankish kingdom between 845 and 926, and in the minute critical examination of the sources which this entailed he has thrown light on two matters of more general interest. He has corrected and supplemented our information as to the business transacted at the famous assembly of Kiersy-sur-Oise in June 877, proving that the assessment of the Danegeld of that year was made there, and not, as hitherto supposed, at a previous meeting at Compiègne. More interesting is his explanation of the policy of Robert the Strong in the year 865-6. This powerful vassal, who had been entrusted by Charles the Bold in 861 with the lordship and military command of the district between the Loire and the Seine, was in effect holding the western marches of the Frankish kingdom against the Northmen. In 865, however, owing, it would seem, to hostile influences at court, Robert was superseded by the king's son Louis. In the autumn of that year a Viking force broke through the newly-organized defences of the lower Seine and penetrated to Paris, where they quartered themselves for three weeks in the monastery of St.-Denis. Charles the Bold on his return to his capital deprived of their *honores* the three vassals who had been charged with the defence of the Seine, and called upon the trusty and redoubtable Robert to take their place. But when the Viking attack was renewed early in 866, Robert's men fled without striking a blow, and their leader with them. Dr. Joranson's suggestion that Robert was thus exerting pressure on Charles to secure that reinstatement in the Loire *ducatus* which did in fact follow seems in every way probable, and fully consistent with the policy of the typical Frankish vassal. In the light of the well-tested evidence that he submits, the blame for the feeble defence of the western Frankish kingdom against the invaders is unequivocally transferred from the shoulders of the king to those of the magnates, who appear in a most unpleasant light. Again and again we see them insist on the imposition of a Danegeld rather than render military service. By such a policy they gained in several ways. The defeat of the Northmen would have left the monarchy free to reduce the power of the aristocracy ; recurrent invasions distracted Charles the Bold and his successors from this task. The chief sufferers from the raids were the churches, monasteries, and towns ; and the magnates not only escaped any contribution to the tax by passing on the burden to their tenants, but actually profited by it, insisting that it should be paid in coin of their

own minting, and collecting from the taxpayers far larger sums than they paid over to the royal officers. For this transference of the burden, on which Dr. Joranson insists with wearisome iteration (see pp. 33, 36, 42, 54, 82, 85, 88, 103, 108-9, 111, 130, 157, 177, 184, 193, 207), he rests principally on the authority of M. Henri Sée, who remarks, 'Il n'est aucun taxe, même d'ordre public, qui ne retombe tout entière sur les classes inférieures';¹ and if, as seems probable, we ought to accept his conclusions, it follows that the Danegeld contributed in no small degree to the establishment of the right of seigniorial taxation, 'the development of the legal principle that the unfree peasant was *taillable à merci*' (p. 184).

It will be seen that Dr. Joranson raises questions of broad political and economic interest; he also raises a point of constitutional interest which, as he indicates, might provoke a re-examination of the English evidence. Following Waitz, Brunner, and Viollet in their assertion that no Frankish freeman could lawfully be taxed, he maintains that the Danegeld in France was levied as a fine or commutation for military service, pointing out that the taxes required of the freemen for the Danegeld of 866 were disguised under the name of *heribanni*, the well-known *heerbann* or penalty for failure to attend the host. He then throws out the suggestion that the legal origin of the English Danegeld may be similar. From Dr. Round's essay of 1886 in *Domesday Studies* he quotes a passage emphasizing the relation between hidage and on the one side military service, on the other, taxation. It is true that he might have quoted from the previous page another sentence in which Dr. Round distinguished sharply between liability to geld and liability to fyrd; and it is true also that the Domesday passages which speak of commutation of military service for money² reflect wide local variations in the rate payable. All these passages, however, refer to the eleventh century, and it is possible that an investigation into origins might bring out some relation between the *fyrdwite* and the Danegeld in England. Be that as it may, Dr. Joranson has done a good piece of work, which, if its literary form is scarcely up to the level of its scholarship and critical apparatus, is not only a real contribution to knowledge, but provocative and suggestive of further lines of research.

H. M. CAM.

I Diplomi di Ugo e di Lotario, di Berengario II e di Adalberto. A Cura di LUIGI SCHIAPARELLI. (Rome: Istituto Storico Italiano, Fonti per la Storia d'Italia, 1924.)

PROFESSOR SCHIAPARELLI has long been recognized as the foremost authority on the diplomatic of the chanceries of the rulers of Italy in the obscure period which followed the collapse of the Carolingian empire in 888. Nearly thirty years ago, at the suggestion of the accomplished and versatile Count Cipolla, he undertook the preparation of an edition of the documents of the kings or emperors who held sway, sometimes in competition, from Berengar I to Arduin; and now in 1924 he has accomplished by far the hardest part of his task. His edition of the diplomas of Berengar I appeared in 1903; of Guy and Lambert of Spoleto in 1906; and

¹ *Les classes rurales et le régime domanial*, p. 92.

² i. 64, 86, 172.

of Lewis III and Rudolf II in 1910. Each was preceded by an elaborate critical study in the *Bullettino dell' Istituto Storico Italiano*, which went beyond the diplomatic characteristics of the documents to their historical interest, particularly with reference to the movements of the rulers. The establishment even of an imperfect royal itinerary is an essential preliminary to the reconstruction of the history of a time for which materials are scanty. Signor Schiaparelli adopted the same course with regard to the documents of Kings Hugh and Lothair printed in the volume before us, and his dissertation which appeared in the *Bullettino* of the Institute ten years ago¹ contains an indispensable commentary on them. For the documents of Berengar II and Adalbert the learned editor has published palaeographical notes and facsimiles,² but no study on the same extensive scale.

Though not one of the documents printed in this volume has escaped the observation of previous scholars, the advantage of having them all collected in a single series, with abundant indexes, is incontestable. This is particularly true of the diplomas of Hugh and Lothair, for half of them—forty-nine out of ninety-nine—are preserved in originals. We may compare this wealth of materials with the penury of the French chancery of the same time. For the reign of Louis IV (936–54), half a year shorter than those of his Italian contemporaries, we possess only fifty-three documents, of which no more than seven are preserved in the original. The existence of so large a proportion of the Italian originals makes them an admirable field for critical examination, a field in which Signor Schiaparelli operates with masterly expertness. He is as skilful in his treatment of the formulae as he is in his comparison of the handwritings. He is conspicuously successful in his analysis of suspicious documents. A long experience in the study of the formulae has convinced him how many charters condemned as forgeries are drawn up on the basis of genuine documents, with the insertion of spurious clauses. This leads on the whole to a conservative estimate, though sometimes Signor Schiaparelli seems to hesitate without sufficient grounds in his acceptance of a particular document. For example, the grant of the bridge and the *clusae* at Chiavenna to the church of Como (pp. 133 *seqq.*) has behind it a series of forged documents,³ but it does not follow that the diploma of 937, even though it presents some anomalous features, is necessarily to be condemned as interpolated. The document, it must be admitted, is known only from a late copy. Signor Schiaparelli's treatment of the originals is so full and exact that nothing further can be desired. It is interesting to note that he is able to draw conclusions of value even from admitted forgeries. From one of these, for instance, he raises a presumption (p. 33) that as early as about 927 Hugh made an abortive advance towards Rome. There are traces of foreign handwritings, some of which the editor is inclined to trace to scribes whom Hugh brought from Provence. Two of his chancellors, Gerlannus and Peter, seem to have been Burgundians; and the

¹ xxxiv. 7–255.

² *Archivio Paleografico Italiano*, ix; and *Bullettino dell' Arch. Paleograf. Ital.* ix.

³ See Signor Schiaparelli's discussion of the question in the *Bullettino dell' Istituto* xxix (1908), 157–71.

suggestion has been made that it was under their influence that the Burgundian system of reckoning the year from 25 March in advance of what we know as the current year—the *calculus Pisanus*—made its way into the Italian chancery.¹ In 948 it is possible that the reckoning which was before long to become its successful competitor—the *stylus Florentinus*, which began the year twelve months later—makes its appearance under Lothair; it was the accepted rule under Berengar II and Adalbert. We note with interest that the series of documents collected in this volume offer on the whole a remarkable confirmation of the sequence of events as narrated by Liudprand. The apparatus of references supplied by the editor to each document is remarkably complete.

REGINALD L. POOLE.

The Lincolnshire Domesday and the Lindsey Survey. Edited by C. W. FOSTER and T. LONGLEY. (Lincoln Record Society, vol. xix, 1924.)

THE excellent work done by the Lincoln Record Society under the guidance of its secretary, the Rev. C. W. Foster, has already made a new departure in the study of the neglected history of the county which gives it its name. The society is fortunate not only to possess local antiquaries of the learning and ability of the editors of this volume but also to have enlisted the powerful help of Professor Stenton, who has already made such important contributions towards the history of the northern Danelaw. Its former successes have now stirred up the society to an ambitious undertaking which will be completed in three volumes, the first of which now lies before us. The greater part of it is taken up with a translation of the Lincolnshire Domesday and of the shorter Lindsey Survey of the next generation, which supplements and carries on the information which the more famous document supplies. It is to be followed by a second volume devoted to a systematic account of each village mentioned in Domesday and the Lindsey Survey. This will be the work of the Rev. T. Longley, who has long been engaged in the intimate study of Lincoln topography, and who is specially qualified to collect in a single treatment of each township the information which the Domesday method of considering each fief by itself scatters over various places of the record. In the third volume the descent of the various fees within the county between 1066 and 1250 will be worked out. When this task is completed, we shall be nearer than we have ever been before to an adequate county history of medieval Lincolnshire and a stage nearer to the definitive history of the northern Danelaw.

More than half the present volume is taken up with Mr. Foster's translation of the Domesday book. The text is often obscure, and perhaps criticisms might, here and there, be made of the version offered. It is hard to understand why, for instance, on pp. 2-3, 'et super alias xxx. mansiones habuit locationem' should be translated 'And with respect to other 30 messuages he had by way of letting'. The translation of 'silua minuta' as 'underwood' on pp. 13 and 211 is not very convincing, the more so as on p. 151 there is mentioned 'underwood 5 furlongs in length and 5 in breadth'.

¹ See my paper on *The Beginning of the Year in the Middle Ages*, p. 11 (British Academy, 1921).

Substantially, however, the work is done with great care and precision. It is characteristic of Mr. Foster's anxiety to help his readers that he has printed the Latin text of the two most difficult portions of the Survey, namely, the account of the three Lincolnshire boroughs, Lincoln, Stamford, and Torksey, and the interesting list of *clamores* (translated 'disputes') at the end. He nowhere tells us why he has done so, and we are left to guess at the reason. One special obstacle to the translation of these texts up to now has been the exceptional difficulty of identifying the places mentioned in the Survey with their modern equivalents. By the joint work of these two editors an enormous stride has been made towards the satisfactory identification of the Domesday place-names. This work has been quietly absorbed into the new translation and of itself is enough to give it a character of its own.

The volume contains several other noteworthy features. There is an admirable introduction by Mr. Stenton which amply fulfils its 'primary intention' to make the highly technical language of the Domesday Survey intelligible to those readers who have had no previous acquaintance with it'. There will, however, be few Domesday specialists who will not derive new knowledge and ideas from this able and thorough piece of work. Of particular interest are the paragraphs which state what is clearly known as to the peculiar use of the term 'hundred' in Norman Lincolnshire, as a subdivision of the wapentake, bearing in all cases an exact assessment of twelve carucates to the geld. Equally interesting are the hints given as to the wide judicial functions assigned to the Domesday commissioners. Another valuable feature of the work is the appendix of extinct villages, for which Mr. Foster is mainly responsible. It is remarkable how numerous these forgotten places are. Changes in the coast line and epidemics are among possible causes of their disappearance from the map. Mr. Foster's elaborate history of the coast line in the neighbourhood of the three havens of Saltfleetby, Mare, and Swine illustrates the former, and Dunsthorpe and West Wykeham, both in the Lindsey Wolds, are good instances of the latter. In both the latter cases pestilence is given as one of the many reasons for the extinction of the parish, but it is hard to see why the Black Death should be the effective cause of the union of the church of Dunsthorpe with a neighbouring village in 1438, or even for the similar absorption of West Wykeham in 1397. An entirely sufficient reason was the lack of funds either for maintaining the parson or keeping the church in repair. A parish, like West Wykeham, with less than ten households and long without a pastor, 'because no priest could be found so simple as to suffer himself to be joined to such a spouse', had clearly no reason for separate existence.

In conclusion a word of warm praise must be given to Mr. Foster's most elaborate and helpful indexes, and to the ingenious devices by which ready reference to the text is given in them. Besides a detailed index of persons and places, there is an admirable index of subjects. In this, as in every other part of the book, no pains have been spared to make the volume the indispensable companion of all serious workers on Lincolnshire antiquities. Among these helps are two valuable maps, contributed by Miss Thurlby.

T. F. TOUR.

Richard the Lion Heart. By KATE NORGATE. (London : Macmillan, 1924.)

MISS NORGATE in her preface disarms the most obvious criticism of her book, viz. that in this life of an English king his kingdom figures scarcely more than in the background and the life of its people not at all. It is now nearly thirty years ago that in her *England under the Angevin Kings* she gave us the history of Richard's reign. Then, however, it was natural that the history of the third crusade could fill but a small space, and barely ten pages were allowed for Richard's personal history between his departure from England in December 1189 and his return home in May 1194. That was just enough, for the crusade only affected English history indirectly, and there is perhaps none of our kings whose personality had less influence on his reign in England than had Richard's. There is, however, another side ; though it is the fashion in some quarters to decry the drums and trumpets of history and to deride the martial achievements of medieval princes, Richard the Lion Heart as crusader and hero of romance has filled too great a place to be thrust on one side. So in this, the only detailed and authoritative biography of Richard, Miss Norgate has given us the necessary complement to her earlier work.

The history of Richard's earlier years is told at length. If it illustrates the valour, gravity of purpose, and steadfast constancy which were Richard's best qualities, it shows us also Richard at his worst as the splendid savage. If one may give him credit for the determination to enforce peace in his Aquitanian duchy, it is impossible to find more than a partial excuse for his dealings with his father. In the crusade Richard was at his best, and Miss Norgate's judgement that from the day when the king took the Cross his whole policy was devoted to the 'work of God' seems just. None of her readers will think that the fullness of detail with which she has told the story of the crusade, with Richard as its moving spirit, is disproportionate. It is the most complete and inspiring history of the third crusade which we possess in English, and is based on a careful comparison both of eastern and western sources. If Richard is naturally the hero, justice is done to his great rival Saladin ; and if Philip Augustus is the villain of the piece, that monarch was never more unpleasant than in his career as a crusader. Miss Norgate's narrative suggests that Richard had an eye for strategy on the grand scale, and that even in his conquest of Cyprus he realized its importance as a base for supplies. But what appealed most to his Christian contemporaries was his personal prowess. Some of the zest with which his dashing exploits inspired them has found its way into Miss Norgate's pages. Yet if Richard had qualities of generalship it seems unlikely that in smaller things he acted without purpose ; when he went 'wandering' almost alone outside his camp he had probably some definite object. Nevertheless, if it may be doubted whether this knight errant is the real Richard, there is no doubt that it is the Richard whom for some purposes we have to realize as the hero of romance. The story of Richard's return is hardly less romantic than that of his crusade. Miss Norgate gives us the whole history at length, from the little-known incident of his landing at Ragusa to the popular stories of his capture and release. But she does not fail to bring out the true character of the

intrigues of the emperor and the French king which were in the background of it all. That was the real ending of the epic of the crusade. The last years of Richard's life, cut short as they were by his early death, seem purposeless and empty; even though, as Miss Norgate believes, he would have returned to the purpose of his better life if fate had not otherwise ordained. It is vain to speculate whether the struggle with Philip Augustus would have called out once more what was best in Richard. It is as the whole-hearted champion of the Cross that he is best remembered, and that is the character in which Miss Norgate has admirably described him.

C. L. KINGSFORD.

Fuero de Guadalajara (1219). Edited by HOWARD KENISTON. (Princeton: University Press, 1924.)

THIS, the last of the 'Elliott monographs in the Romance Languages and Literatures' edited by Mr. Edward Armstrong, a useful and indeed distinguished series, is an excellent edition, well edited both textually and historically, of an early Spanish *fuero*. Valuable illustrations are the twelve pages of photographic reproduction, in which typical portions of the manuscripts at Cornell and in the library of the Escorial are given; these enable one to submit the editor's text to a test which it survives with credit. Both texts are of the fifteenth century and each is derived from a *romanceamiento*, of the thirteenth century probably: the Cornell copy appears to follow the original the more closely, and was a rough and somewhat barbarous translation of the Latin.

This *fuero* is an excellent illustration of the importance of the *cartas-pueblas*, granted to town after town at the time of the reconquest from the Moors (the most important of which is the *Fuero Jusgo* probably made by order of S. Fernando in 1235 for the city of Cordova), and eventually finding their way into the law of the kingdom in the time of Alfonso el Sabio. The municipal laws which they represent are founded on royal grants and on general customary law. The municipal bodies had no doubt a considerable power in fashioning their own laws, and the royal power was constantly called in, whether to grant a new and fixed constitution or to perform the same function as an English king did in his *inspeximus*. The gradual growth of the developed *fuero* of any town is difficult to trace exactly, though the process is not, I fancy, as impossible as Mr. Keniston seems to suggest. The whole subject certainly is worth fuller investigation than it has received. A really good Spanish constitutional history is a desideratum. The starting dates for Spanish municipal history are the *fueros* of Madrid 1202, of Brihuega 1237, of Alcalá before 1247. The last date marks the beginning of the systematic period, which (as Mr. Keniston reminds us) is most noteworthy in the *Forum Conche* which D. Rafael de Ureña dates 1249-50, and is no doubt referred to by Alfonso X in 1265, when he granted a *fuero* to the 'pobladores cristianos de Almansa'. The *fuero* of Guadalajara belongs to the earlier, the formative, period. It is based on the *carta-puebla* of Alfonso VII given in 1133. This, or rather some very much altered recension of it, was confirmed by Fernando III in 1219; and that is what is now before us. It is frequently referred to

later, and it occupies in some respects a unique position in the history of the time, though in others it has resemblances to the *fueros* of some neighbouring towns. It is extremely interesting to trace its 'Teutonisms' and to compare them with the more tardy recognitions of municipal rights to be found in England, as well as with customs more contemporary, such as those of Chester and Lincoln *temp.* Will. I and Newcastle *temp.* Hen. I. The general interest of the subject was shown (by Sir Francis Palgrave) as long ago as vol. xxxi of the *Edinburgh Review*.

W. H. HUTTON.

Die Dominikanermissionen des 13 Jahrhunderts. Von BERTHOLD ALTANER. (Breslauer Studien zur historischen Theologie, Band III. Halberschwerdt: Schlesien, 1924.)

DR. ALTANER, who is already known through his other researches in Dominican history, has here produced a work of great learning and good judgement. It is too closely packed to be easy reading; some of the sections indeed consist almost entirely of references. As many of the authorities used are little known and not very accessible, it is to be regretted that considerations of space and cost prevented the author from printing or reprinting adequate extracts from them, like those given by Father Golubovich in his great *Biblioteca Bio-Bibliografica della Terra Santa*. But of this work four large volumes dealing with the Franciscan missions in the East in the thirteenth and fourteenth centuries have already appeared; while Dr. Altaner has compressed into some 250 pages the story of the Dominican missions in the thirteenth century, not only in the East, but also in north-eastern Europe, and gives some general estimates of methods and results which do not come into the scope of the Franciscan father's work.

In the East the Dominican missionaries devoted their efforts far more to bringing the 'schismatic' Christian churches into communion with Rome than to converting the Moslem. Their linguistic attainments, in spite of the efforts of Raymond de Pennaforte and others, seem to have been generally slight. In lands under Mohammedan rule their most fruitful work was done among Christian slaves and prisoners. Among those who combated Islam the most remarkable and attractive was William of Tripoli, who seems to have been born of Christian parents in Palestine. His method was to bring out the points of contact between the Christian and Mohammedan religions, and he thus summed up the results of his experience: 'Et sic simplici sermone Dei sine philosophicis argumentis, sine militantibus armis, sicut oves simplices petunt (sc. Saraceni) baptismum Christi et transeunt in ovile Christi. Hoc dixit et scripsit, qui auctore Deo plus quam mille iam baptizavit.' Dr. Altaner argues that these results were achieved among Saracens living in the crusading states, otherwise the phrase 'sine militantibus armis' would have no sense. Surely this is an unwarranted inference: the phrase relates primarily to the crusades, not to the compulsion exercised on a subject population.

Very different was the spirit which actuated the Dominican missionaries in Prussia. Here they acted as the willing instruments of the Teutonic

Knights, who succeeded in eliminating from their sphere of influence less amenable or less sympathetic missionaries, such as the Cistercians. The knights on principle thwarted attempts to convert independent pagan tribes: these must first be subdued in a holy war, for heathen lands gained by the sword belonged to the Teutonic order. Dr. Altaner quotes the protest of the papacy on one definite occasion (in 1256) against this view: 'gratuita debet esse conversio, non coacta, et ipse Deus coacta servitia non acceptat'; and adds: 'the victory in these diplomatic negotiations remained ultimately with the Teutonic Order.' He might have quoted, or at least referred to, Roger Bacon's fierce denunciation of the methods of the Teutonic order:¹ it represents a medieval point of view which is not sufficiently recognized in this book, and shows that the substitution of force for persuasion and example in dealing with unbelievers was not approved by an intelligent and spiritual-minded minority.

The book is well arranged, contains an adequate bibliography and index, and will be an invaluable guide to further research. The middle of p. 17 is unintelligible owing to the reduplication of one line and the omission of others by the printers.

A. G. LITTLE.

A History of Milan under the Visconti. By Dorothy Muir. (London: Methuen, 1924.)

THE story of the Visconti in Milan has long awaited its English chronicler, and this in spite of the peculiar interest of the subject. To the student of institutions the rise of the Visconti presents an outstanding example of the growth of the Italian *tyrannis*. The Visconti in the latter half of the thirteenth century were among the powerful noble families of Milan who by their quarrels and oppressions 'humiles populares, etiam invitos, ad creandum dominum ex primoribus urbis cogunt'.² Such is the opinion of a contemporary, a republican by tradition, led by hard experience of life in Milan to uphold the power of the despot. For half a century the Visconti competed for the *signoria* with the rival faction of Della Torre, triumphing rather in virtue of superior ability than through any political principles which differentiated them from their opponents. Ottone Visconti based his authority in the city upon his position as archbishop. The lordship of his great-nephew Matteo developed out of one of the city offices. On Matteo's return to power after a period of exile he ruled in virtue of the title of imperial vicar conferred on him by Henry VII. From 1396 the Visconti held Milan as a fief of the Empire with the title of duke. Thus are the varied origins of the Italian city despotism illustrated in the rise of one family.

To those whose main interests lie in the more human aspects of historical study the story of the Visconti is no less attractive. We are presented with a succession of family portraits, each one suggesting problems for the psychologist. There is Matteo, who owed his success in the duel with Guido della Torre to the skill with which he played upon the credulous idealism of Henry VII. There is Galeazzo, the friend of Petrarch and the

¹ *Opus Maius*, part iii, cap. xiii (ed. Bridges, iii. 120-2).

² Cermenate, *Historia*, ed. Ferrai, p. 64.

patron of the university of Pavia, whose physical beauty was said to surpass that of every other Italian of his day, and who shares with his brother Bernabò the credit of inventing a peculiarly horrible form of torture. There is Bernabò, sinister and mysterious, combining brutality with the instincts of good government. Above all there is Gian Galeazzo, whose personality dominates Italian history in the latter half of the fourteenth century. He appears first as the quiet student living in quasi-retirement at Pavia, reading widely and working out theories of government which he was to apply with effect in later years. As lord of Milan he is at once the embodiment of cold-blooded ruthlessness and 'much given to religious observances' (p. 88). To him in the first instance the duomo of Milan and the Certosa of Pavia owe their being. He came nearer than any other city despot to uniting Italy under his rule, and by a subtle foreign policy he raised himself into the front rank of European princes. His favourite title, that of count of Virtù, has been described as singularly inappropriate; if, however, *virtù* is understood as Machiavelli used the word it is a fitting tribute to the courage, ability, and driving force which marked the first duke of Milan.

Much as Mrs. Muir is to be congratulated upon her choice of a subject it must be confessed that she has not made the most of her opportunities. Her book contains little new material, and although the absence of references (for which a meagre bibliography at the end of the volume is no substitute) is a blemish for which the author may not be entirely responsible, it deprives her work of at least half its value for serious students. The constitutional question in particular is inadequately handled. A few scattered references to the subject give no real idea of the process by which a republic was transformed into a monarchy, the forms of liberty being preserved under what was in practice a despotism. On pp. 3 and 10, to give one example, we read of 'a great Council of Eight Hundred'; on p. 174 we are told that 'the Great Council of Nine Hundred was the source of authority'. The reader needs a word of explanation if he is to understand that the eight hundred and the nine hundred alike form the great council of Milan. Originally the number of members was decided by the *podestà*, who as Mrs. Muir tells us, nominated one-half of them. Only in 1396 was the number fixed at nine hundred, one hundred and fifty from each *porta* or ward of the city, and the duty of nomination was placed in the hands of the city magistracy (the vicar and twelve of provision) acting as representatives of the duke. Again, we are told on p. 175 that after the creation of the duchy 'the Council appears divided into two sections one for affairs of state and one for judicial matters'. It is not made clear that the two sections of the council are the *consiglio di giustizia* and the *consiglio segreto* referred to on p. 91, nor is there any attempt to trace the process by which the *consiglio segreto*, as representing the monarchical and bureaucratic element in the state, encroached upon other bodies and grew in power and importance.¹

Mrs. Muir's treatment of foreign policy suffers from a tendency to ignore the fact that the diplomacy of the Italian states, tortuous though it

¹ Cf. P. del Guidice, *Il consiglio ducale e il senato di Milano* (Rendiconti, Istituto Lombardo, vol. xxxii).

might be, was determined very largely by economic considerations. Florence, for example, was not merely perverse in her steady opposition to Visconti domination and her encouragement of French intervention. Friendship with France was as vital to her trading prosperity as the control of north Italy by a rival was dangerous to it. Nevertheless, the history of the development of Milanese foreign policy is one of the most interesting parts of the book. It is clearly brought out that Gian Galeazzo sought to combine close friendship with France and a determination to keep French adventurers out of Italy; in so doing he foreshadowed the dearest principle of the foreign policy of both Milan under the Sforza and Florence under the Medici. We are grateful also to Mrs. Muir for making us realize that one of the origins of the Burgundian-Armagnac feud in France was the duel between Bernabò and Gian Galeazzo Visconti waged in the persons of Bernabò's granddaughter, Queen Isabella, the offspring of the marriage between Taddea Visconti and Stephen of Bavaria, and Gian Galeazzo's daughter Valentina, the duchess of Orleans.

CECILIA M. ADY.

Les États d'Artois de leurs Origines à l'Occupation Française, 1340-1640.

PAR CHARLES HIRSCHAUER. Two volumes. (Paris: Champion, 1923.)

FRENCH history is generally studied too exclusively from the point of view of the central government, but the diversity and particularism of medieval France are better understood when the monographs on the institutions of the *pays d'états* have been read. Among these M. Hirschauer's book on Artois will take a very high place; he has worked over a vast quantity of manuscript sources, of which he gives a critical study and table, and he presents his results clearly and impartially. He avoids the danger of confusion in innumerable details by dividing his book into three parts, dealing respectively with the organization, the fiscal and administrative duties, and the political work of the estates. His second volume contains a chronological list of assemblies with a summary of the affairs discussed and an interesting selection of *pièces justificatives*. He has even drawn up a graphic chart showing the variations, both nominal and real, in the taxes paid by Artois from 1400 to 1640. The value of this chart is considerably lessened as it is not accompanied by any indications of the growth in wealth and population of the province.

In Artois as elsewhere the estates arose out of the king's necessity and the expenses of the Hundred Years' war; he could not raise taxes outside the regular feudal aids without the consent of the clergy, the nobles, and the burgesses, and he found it convenient to summon assemblies in which each of the orders could be represented, and have the royal or national needs laid before them. The right to summon the estates always remained in the king or other lord, but it was nearly always necessary each year after 1360 to call the estates in Artois together, and they gradually developed their powers out of their fundamental right to refuse taxation. Various provinces in France made different bargains, which led to territorial inequalities in taxation that lasted to the Revolution. From 1361 Artois obtained exemption from the *gabelle* and certain other taxes levied by the French king in exchange for a *composition* of 14,000 livres

a year. When the lordship of Artois passed wholly from the French king to the rulers of Burgundy and Spain the estates preserved in its integrity the right to refuse or bargain over taxation. M. Hirschauer emphasizes the fact that there is nothing popular in the composition of the estates. Bishops, abbots, and proctors of chapters are summoned because of their lands, while the inferior clergy and the mendicant orders are unrepresented, and the third estate consists of the towns which are *seigneuries collectives*, the peasants of a county that was mainly agricultural being only represented by their lords. The second estate is not so easily defined: 'not a single ancient text defines the quality or quantity of land required', but in the seventeenth century a *terre à clocher* and a hundred years of 'nobility' were regarded as necessary. Theoretically at least the lord of Artois retained a discretionary power to leave any noble unsummoned. The deputies of towns were elected not by the burgesses as a body but by the small college of *échevins* or town-administrators, the deputies being bound to refer back all demands to their mandatories before they actually voted upon them in the estates. M. Hirschauer says rather vaguely that their votes represented the will 'de tout le corps de ville'. The third estate maintained that no one of the three orders could be bound without its consent even if the other two orders granted a tax. This principle was ultimately admitted by the clergy and nobles. Exemption of whole classes from the payment of certain taxes, the greatest of evils in *l'ancien régime* of France, was avoided almost entirely in Artois from the sixteenth century onwards. Thus a system of fiscal equality was secured which France did not know before the Revolution. The estates had little legislative or constitutional power; they exhibit none of the natural growth and development which marked the English parliament. They were a static and defensive rather than an innovating force.

Space does not permit us to follow M. Hirschauer's interesting political history, but some points may be noted. Louis XI secured a success on the true lines of French national policy when he detached Artois from Burgundy in 1477, but he treated the county so harshly that the Austro-Burgundian house was welcomed back in 1492. Artois became involved in the European struggles of the sixteenth and seventeenth centuries, but the estates tenaciously defended local privileges. The reformation spread in the lower classes of the large towns, but Artois for the most part supported the older form of religion. The estates showed some sympathy with the national movement against Alva and the Spanish army, and supported the scheme for abolishing the inquisition and moderating the edicts against heresy in 1566. They joined the union of the catholic provinces with Holland and Zealand and ratified the peace of Ghent in 1577, but the most important of all their political actions was their initiative in uniting the catholic provinces in the treaty with Farnese. M. Hirschauer prints the full text of Philip II's ratification of the peace at Mons (12 September 1579), and points out that this peace permanently divided the southern provinces from the Dutch provinces of the north, except for the short union prescribed by the congress of Vienna. The following clause from Philip II's ratification is noteworthy:

pour aultant que ledictz estatz se tiennent obligez a nostre tres chere sœur la Serenis-

sime royne d'Angleterre et a monseigneur le duc d'Anjou . . . pour la bonne assistance recue de leur part . . . nous envoieions . . . personne de qualité vers iceulx pour faire tous bons offices, et sera la confederation et anchienne amitié avec nostredicte sœur continuée reciproquement.

There is considerable information about affairs in Artois in the *Calendar of State Papers, Elizabeth*, which is not referred to by M. Hirschauer, but his conclusions are not invalidated.

WALFORD D. GREEN.

Calendar of Fine Rolls, 1356-1368. Vol. vii. (London: Stationery Office, 1923.)

THIS new volume is as full of interest and information as vol. vi, though in size it is (without the index) nearly fifty pages short of its predecessor. War conditions persisted in the period which it covers, though long truces preceded and nominal peace followed the treaty of Calais of October 1360. The problem of the safe keeping of alien priories had still found only partial solution. Most of the thirty-seven houses mentioned in this volume were in the care of their own priors or members of their order, for by royal ordinance such custodians were to be preferred to others unless they were unable to pay an adequate farm. But the system was working indifferently. Sometimes the custodian was 'broken with age' (p. 90); sometimes he was 'incapable of managing the keeping' (p. 138); often he found the house so 'miserably reduced' by misfortunes that he could not possibly meet its needs and pay the rent as well. In some cases the king lowered the farm temporarily or permanently, as at Monks' Horton (p. 21), or even dispensed with it altogether for a time, as at Lapley (p. 2); in many he pardoned accumulated arrears on condition of regular payment in future, as at Hough-on-the-Hill (p. 91), Pontefract (p. 98), or Takeley (p. 52); but in others he found the arrangement so unprofitable that he sought for new custodians and better farms. The case of Fore Priory in Ireland is an admirable illustration of the sort of fluctuations which might occur. Committed in 1341 to the keeping of its prior, on his undertaking to pay a rent based on its value, when ascertained,¹ it was transferred in 1353 on the same conditions to a chaplain and a monk from its parent abbey of St. Taurin, Evreux.² In 1355 Roger Rodierd expressed his willingness to pay 10s. increment on this rent, and was put in charge,³ only to be dislodged a year later by Roger Mortimer, earl of March, and the prior, who agreed to the same terms.⁴ Within five months, however, it was discovered that the king had made the commitment on insufficient information, for whereas the custodians were paying only £2 6s. *plus* an increment of 10s., the priory was worth a farm of at least £26 13s. 4d., and was therefore to be handed over to John of Pembroke, escheator of Ireland, or 'any other who will give more than him'.⁵ Eight months later Mortimer and the prior regained the keepership on offering to pay the larger farm,⁶ but in 1360 the priory returned to Pembroke, because the king was informed that the earl was dead and the prior incapable.⁷

The aspects of fourteenth-century history illuminated in this volume

¹ *Cal. Fine Rolls*, v. 255.

² vi. 350.

³ vi. 421.

⁴ vii. 17.

⁵ vii. 31.

⁶ vii. 51.

⁷ vii. 138.

are too numerous, and too miscellaneous, even to be summarized here. A few instances only can be noted. There is a picturesque description of the methods by which alien merchants tried to smuggle their wares in customs free, bringing gold and silver, plate and jewels by land to London through the streets and lanes, instead of up the river in their ships, and breaking the metal into small pieces which could be concealed in fardels and skippets and cases (p. 27). There is evidence of the carelessness and corruption of some keepers of prisons, as at Winchester (pp. 130, 263) and the Fleet (p. 321). There are numerous records of officials who, when they died, had not yet rendered their accounts (pp. 111, 162, 168, 169), and if the dead in such a case may have the benefit of the doubt as to their good intentions, there is little question as to the guilt of Bertrand de Florencia, the king's banker in London, who 'has secretly taken to flight in search of a hiding-place and has not yet rendered an account of his office' (p. 177). Among legal matters, it is instructive to see the Statute of Mortmain being enforced against a London citizen who has bequeathed tenements to four chaplains without licence (p. 287), and pleasant to find in an Irish prior one man at least who would not endure the intolerable delays of medieval justice, and who, after duly appearing on the day for which he was summoned, and being put off with an order 'to be before the council from day to day', notwithstanding the order, 'straightway departed to parts beyond seas' (p. 286). There are some vivid particulars of the misfortunes of Dunwich, 'almost wholly destroyed, laid waste, and blotted out by the violence and fury of the sea' (p. 36). As usual, among the feudal services recorded there are some of a quaint kind, such as rendering two white capons to the king whenever he passes through certain gates at Broadbridge (p. 231), or supplying whenever he visits Aylesbury straw for his bed, straw or grass for his household, two geese for his table if he comes in summer, or three eels if in winter (p. 320). The economic historian will welcome the interesting series of detailed indentures concerning royal manors demised at farm (pp. 363-73).

The volume closes with a full and careful index, in which we have noticed one slip only, the substitution in the list of priories of 'Plymouth' for 'Plympton'.

HILDA JOHNSTONE.

The Fall of the Monasteries and the Social Changes in England leading up to the Great Revolution. By S. B. LILJEGREN. (Lund : Reprinted from *Universitets Arsskrift*, 1924.)

THE book of Dr. Liljegren is an attempt to find an explanation of the political revolutions of the seventeenth century in the economic and social changes of the sixteenth. It consists of a thesis, and a collection of facts designed to establish it. The thesis is that—to apply a modern catch-word—'economic precedes political power', that the political victory of the *bourgeoisie* in the struggle with the Stuarts was predetermined by the redistribution of property and expansion of commercial enterprise under the Tudors, and that, in a sense, Henry VIII and Thomas Cromwell prepared the forces which defeated Charles I and Strafford. The facts adduced to support this argument consist of a short study of social change

and policy, in particular in connexion with the land question, under Henry VII and Henry VIII, a chronological list of grants and grantees of monastic lands, together with some comments upon it, and some concluding observations upon social changes under Elizabeth and James I.

Dr. Liljegren's thesis is not new. The interpretation of Tudor land policy on which it rests is at least as old as Bacon's *Henry VII*. After the civil war it was elaborated by Harrington, whose *Oceana* Dr. Liljegren has edited, and who summed up his theory that the political revolution was due to economic causes in the pregnant sentence: 'Therefore the war did not cause the dissolution of that society: the dissolution of that society caused the war.' But it will bear restatement and examination. The constitutional revolutions of the seventeenth century have lost as well as gained by becoming one of the national epics. A thorough and objective examination of the material conditions out of which they emerged still remains to be undertaken.

Dr. Liljegren has not attempted anything so ambitious. He leaves commercial and financial development, including the very important movement represented by the growth of the London money-market, severely on one side. He does not touch on the growth of capitalist industry or on the significance of the remarkable expansion of coal-mining which took place in the late sixteenth and early seventeenth centuries. He rightly calls attention to the importance of the process by which, especially under Elizabeth and James I, the Crown shed its estates; but he does not investigate it in any detail. His central theme is the transference of land from the clergy and nobility to the *bourgeoisie* under Henry VIII, and of the 150 pages in his book 77 are given to a catalogue of monastic estates and their grantees from 1536 to 1546, derived mainly, it would seem, from Dugdale's *Monasticon*. The remainder of the book is really an introduction and an epilogue to this central group of facts.

In Dr. Liljegren's treatment of this subject there are certain omissions and ambiguities which strike the student. He does not seem to be familiar with some of the literature relating to the Tudor land problem: though he refers to the ingenious and interesting, but capricious and one-sided, book of Miss Bradley, he does not mention the much more solid work done by Dr. Gay and Lord Ernle in the same field. He appears not to have read the masterly essay by the late Dr. Savine in vol. i of Sir Paul Vinogradoff's *Oxford Social and Legal Series*, or the analysis of grantees of monastic land made by him and printed in Mr. Fisher's *Political History of England, 1509-47*. As a consequence he repeats estimates of the area of ecclesiastical estates, which Dr. Savine has shown to be meaningless, and deprives himself of the light on conditions of landownership and agrarian economy thrown by the latter's comparison of the results of the *Valor Ecclesiasticus* with those of surveys made immediately after the dissolution.

On the other hand, Dr. Liljegren brings out more clearly than has been done elsewhere certain points of great interest and importance. His account of the manner in which monastic estates were disposed of is the best yet given. He shows conclusively and in detail the enormous amount of land speculation which took place as they came into the market.

A body of middlemen appears to have come into existence, who bought large blocks of property, held them for a rise, and disposed of them retail to smaller men when the market was favourable. The business was apparently so profitable that in the end actual syndicates were formed to exploit it: in 1544, for example, one finds thirty-three merchant tailors of London acting as a single group to buy land for £3,803; fifteen cloth-workers and leather-sellers do the same; and numerous other groups of tradesmen are formed for the purpose of obtaining part of the spoils. Taken in conjunction with the literature of the time on social questions, this movement was extremely significant. Obviously it must have turned a screw on the peasantry, even though some of the more well-to-do among them gained by it. Obviously, again, it meant an obliteration of class barriers in the upper ranges of society and contributed to the rise of a powerful *bourgeoisie*, allied in interests and outlook to the landed gentry.

R. H. TAWNEY.

A History of the Tory Party, 1640-1714. By KEITH FEILING. (Oxford: Clarendon Press, 1924.)

'PARTY' has held so great a place in the government of England during the last three centuries that the history of our parties affords an approach to historic truth no less important than the history of our laws, of our religion, and of our public services. Hitherto it has been too little attempted, except as a scarcely disguised method of political propaganda, resulting often in the strangest travesties of history. Mr. Feiling's work must not be confused with that class of book. He unites the best historical scholarship of the day with a broad humanity, a lively but dignified style, and a just and clear-sighted understanding of the great issues of which he treats. His book deserves a permanent place of its own on our historical bookshelves.

The tory party of 1660-1714 fails to arouse the loving admiration of its biographer. Even the tory defence of Anglicanism, with the main purpose of which Mr. Feiling is in full sympathy, took in that period the form of bitter persecution of nonconformity, at a time when such persecution was incompatible with the Elizabethan ideal of national unity for which the tories theoretically stood. And their political doctrines of non-resistance and divine right appear to Mr. Feiling to have been incompatible with 'their constitutional sense or their religious convictions'. Hence, as he shows, they were ruined in 1688 as a party with a consistent creed, and in 1714 as a power in the land, to re-emerge after 1760 on the basis of hearty acceptance of the revolution settlement, that is to say as a new party with a new creed.

Mr. Feiling's affections go out, not to the tantivies and the October Club, but to the cavaliers and suffering churchmen of Charles I's reign. His analysis of the various intellectual and emotional movements which joined to compose the original cavalier party is an attractive study, done *con amore*. But those chapters are introductory. The body of the book is the history of the tories from 1660-1714.

Full justice is done to Clarendon, Danby, and Harley. The account

of each of these statesmen is a contribution to historical thought, particularly in the case of the much-neglected Harley. Disraeli's psychological sympathy with Bolingbroke led him to set up that glittering idol for the adoration of modern conservatives. But there was an element of Harley's prudence, humanity, and broader patriotism in Disraeli, which saved him and his party from the fate of Bolingbroke and the October Club. Mr. Feiling at last does to Harley the justice so long denied to him by whigs and tories alike.

Perhaps the most important contribution to history in the book is Mr. Feiling's close analysis of the political doings of the reigns of William and Anne. His description of the reign of James and the revolution is sound but not novel; his general interpretation of the forces at work and the issues involved between 1685 and 1689 differs little from Macaulay's, though of course he differs on many points of detail chiefly regarding persons. The same may be said of the early part of William's reign where Macaulay supported William and the tories against the whigs over the Sacheverell clause. But the last half of William's reign takes on a somewhat different general aspect under Mr. Feiling's hands. He makes out a reasoned case for Harley and the opponents of William after the peace. His narrative diminishes the element of faction in their proceedings, and shows them as defenders of 'revolution principles' against a monarch who observed the laws indeed, but loved his own way and was thinking primarily not of England but of Europe. After all, sorry as one may be for William, there was much to be said from an English point of view for the sending away of the Dutch guards (promised in the prince's declaration of 1688) and the resumption of his lavish grants to the Dutch favourites. And in return for these concessions Harley and his friends passed the Act of Settlement of 1701, which ultimately brought in the house of Hanover, and weaned the 'little England' tory party gradually away from pacifism to take part in the renewed war against Louis.

The fruit and reward of this Harleian movement at the end of William's reign became evident in the reign of Anne, when Harley and the moderate tories enabled Marlborough and the whigs to strike down Louis at Blenheim and Ramillies, and to pass the Act of Union with Scotland, in spite of the fact that a tory majority under a tory queen had seemed to promise confusion in the national counsels. Mr. Feiling has less than no sympathy with the October Club and its attempt to break the national unity in time of war by renewed persecution of the dissenters. The Schism Act of 1714, which decreed the compulsory education of dissenters' children as churchmen in a spirit worthy of the France of that day, must have ushered in another period of violence and perhaps civil war had not Anne died at a moment when Bolingbroke's vague but violent plans of ambition had put the house of Hanover and the opinion of the country into whig leading strings. In the coming epoch the whigs were more fitted for power than the tories (right as the tories had been about the peace of Utrecht) because the Walpole whigs were no longer the whigs of the popish plot, the Sacheverell clause, and even of the Sacheverell prosecution. They had learnt at last the lesson of 'moderation' and to 'let sleeping dogs lie'. That this good change in the whig party had been effected by the stout

tory resistance and by the 'trimming' policy of Harley and Marlborough's group seems to emerge from a study of the period, particularly under Mr. Feiling's sage guidance.

We cannot help thinking that Mr. Feiling under-estimates the value of Charles Montague's work for the nation, the importance of the Bank of England, and the recoinage. The hostility of the tory party of that day to the 'moneyed interest', though mentioned, is not analysed or emphasized. It was perhaps more important than Mr. Feiling thinks. He appears indeed to be more interested in religious, political, and constitutional issues and forces than in the social and economic. He begins with the assumption that the quarrel between cavalier and roundhead was nothing more than a quarrel between two sets of squires on politics and religion. 'Moulded all alike in this aristocratic order, no social or economic gulf divided the two seventeenth-century parties.' This appears to the reviewer to be only a half-truth. The importance of the city of London and the moneyed interest in the roundhead and whig party was very great. Nor is the democratic element in the roundhead revolution to be disposed of by remarking that Cromwell opposed the levellers. The whole social atmosphere of the Cromwellian rule was different from that of the cavaliers, and the restoration of 1660-2 was not merely religious and political but social also. An attempt had been made under the Commonwealth to set up a democratic government when the most important classes were squirarchical; the attempt naturally failed, but it is surely an error to represent the whole puritan movement of 1640-60 as squirarchical. The roundhead squires were the squires most in touch with town life and middle class feeling. The cavalier squires were the more feudal and the more rural, and therefore the more typical members of their class.

Similarly the whigs differed from the tories on other questions than religion and politics. The whig leaders were indeed aristocrats, and in the middle of the eighteenth century their rule had become for awhile almost entirely aristocratic. But between 1678 and 1714 they fought with success a political battle against the great majority of the squires and the church clergy. This success would be very astonishing, indeed inexplicable, if the middle classes and the 'moneyed interest' had not played a great part in the controversy. These growing forces, with whom the ultimate future of England lay even more than with the squires, grouped themselves under the banner of the whig grandees. The distinction between church and dissent, as well as the distinction between whig and tory, was to large extent due to these class distinctions and rivalries, which expressed themselves through religion and politics. Mr. Feiling goes too far in the direction of eliminating the social problem from seventeenth-century politics and religion. Yet this deficiency is less unhistorical than the opposite error, held by the school of materialist history which would explain all the phenomena of seventeenth-century passion and idealism by economic and social factors alone. Mr. Feiling knows the seventeenth century and he is at home among its men and women, as no partisan of that ultra-modern interpretation of history can possibly be. Therefore he has been able to throw much light on the period.

G. M. TREVELYAN.

Samuel Oldknow and the Arkwrights. By GEORGE UNWIN, with chapters by ARTHUR HULME and GEORGE TAYLOR. (Manchester: University Press; London: Longmans, 1924.)

THE origin of Professor Unwin's book was a discovery which deserves to be called sensational. An enterprising boy scout was found distributing some eighteenth-century weavers' pay-tickets. They were traced to a ruined cotton-mill at Mellor, once the property of the Arkwright family, which had been burned down in 1892 and was used during the war as a place of employment for Austrian prisoners. An examination of the premises revealed an upper floor covered with documents relating to the businesses carried on by Samuel Oldknow, not only at Mellor, but at Stockport and Anderton. A preliminary account of them was given by Mr. Unwin in two articles, 'The Transition to the Factory System', which appeared recently in this Review.¹ His present work, to which Mr. Arthur Hulme and Mr. George Taylor also contribute, is based upon the same body of documents, supplemented by material drawn from other sources. Its value as a chapter in the social history of the eighteenth and early nineteenth centuries can hardly be exaggerated. Written with Mr. Unwin's characteristic lucidity and skill in interpretation, it is not merely a biography of one of the leading cotton manufacturers at a time when cotton was making history, but an illuminating study of one of the most critical and characteristic phases of the industrial revolution in Lancashire.

Samuel Oldknow belonged to the first generation of captains of industry, who created the organization needed to exploit the possibilities of the new technique of production. 'Business' and 'industry' were less separated then than now, and the manufacturer required to be something of a technician as well as an organizer. But like Owen, who on several occasions alludes to him, Oldknow was primarily a business man rather than an inventor, and, like Owen's, his business activities ended by carrying him beyond the routine of manufacturing into the larger sphere of community-building. Born in 1756, apprenticed to his uncle, a Nottingham draper, in 1781, and dying in 1828, his career falls into three main divisions. The first, from 1783 to 1790, saw his rise to the position of the most prominent muslin manufacturer of the day. Muslins were the rage, and Crompton's mule was supplying the quality of yarn needed to produce the finer cotton fabrics. Oldknow seized the opportunity, established a business first at Anderton and then at Stockport, where in 1786 he was employing 300 weavers and 500 looms, entered into relations with the Arkwrights, from whom he obtained large advances, and purchased land and water-power at Mellor in 1787, with a view to the development of production on factory lines. From manufacturing he went on to spinning, and his second, and less successful, phase began in 1790, with the establishment of a factory for spinning by steam-power at Stockport, which was to spin the higher counts, the lower counts being spun by water-power at Mellor, and bleaching and printing being done in a factory at Heaton Mersey. He had, however, overstrained his resources, and a turning-point

¹ *Ante*, xxxvii. 206, 383.

in his fortunes came with the crisis of 1792-3. First the Heaton Mersey works, then the Stockport and Anderton works, were abandoned to his creditors or ceased to exist. What he retained after 1796, thanks, in part, it would appear, to the forbearance of Arkwright, was the spinning-mill and estate at Mellor, with the various activities of farming, lime-burning, and road and canal construction, which the development of the estate involved.

It will be seen that Oldknow was intimately connected with some of the most characteristic episodes in the rise of the great industry in Lancashire. But a mere summary of his business career does scanty justice to the interest of Mr. Unwin's book. For one thing the material he has collected enables the reader to check some of the other contemporary accounts of economic conditions. An interesting example is the oft-quoted picture of 'the golden age of the handloom weaver', given by William Radcliffe. With the aid of figures from Oldknow's Stockport ledger, Mr. Unwin and Mr. Taylor showed that weavers' earnings from 1784 to 1787 were about 50 per cent. higher than they had been in 1770, an advance about half as great as Radcliffe, writing in 1822 with a natural tendency to idealize the conditions of his youth, described. Another specimen of the change in perspective produced by turning from generalized statements to the individual case is given by the account of the children employed in Smalley's mills at Holywell (which Oldknow visited), and in Oldknow's own mill at Mellor, where he appears in 1798 to have employed 100 apprentices mostly obtained from London at 4s. a week each, a teacher being employed to instruct them on Sundays. Both these examples come from what may not unfairly be described as model factories. But in the former the employer could state, 'Our little children sleep three in a bed'; in the latter the hours, which were shorter than usual, were thirteen per day, from 6 a.m. to 7 p.m. The light which Oldknow's business career throws on the stages in the development of the factory system, and on the practical problems which arose in the course of it, is equally instructive. We see the difficulties caused by lack of capital and the scarcity of skilled management, the rise of a new body of *entrepreneurs* from among the employees trained by the successful manufacturer, the relations between the Lancashire producer and the London house which formed its main market (which are described in the very racy correspondence of Salte, one of the partners in the latter), and the attempts of the employer to overcome the shortage of currency by issuing his own paper-money. Mr. Unwin's account of the industrial revolution in Stockport is particularly interesting, since the successive phases in the evolution of a manor into a factory town are marked in it with unusual clearness. First come the corn-mills, producing in the seventeenth century a substantial proportion of the manorial revenue; then a logwood-mill; then, as the result of the purchase by parliament of Lombe's invention, a partnership to run a silk-mill, the lord of the manor granting land and water-power, followed by the establishment, in the sixties, of half a dozen other silk-mills; then the adaptation of a silk-mill to cotton-spinning by Marsland, and the entry on the scene of Oldknow.

The eighteenth-century manufacturer had not merely to manufacture.

He had often to create and equip a new society in which manufacturing on a large scale was possible. Like some American firms a century later, he became, by combined force of will and of circumstances, the centre of a paternally governed community which he supplied with roads, canals, schools, and a chapel; and when Owen later experimented in founding 'communities', he was not merely indulging his utopian propensities, but proposing to repeat, in a new form, a process which had been involved in the rise of large-scale industry itself. The work of Oldknow at Mellor, admirably described by Mr. Hulme, where he managed a model estate, opened lime-kilns, constructed roads, bridges, and a church, and arranged for a canal, was a good specimen of that type of community-building. Perhaps it was too good to be widely imitated. After reading the pregnant observations of Mr. Unwin, one reflects with interest what form our present social problems would have assumed, if the paternalism, which was one element in the industrial revolution, could have been generalized and perpetuated.

R. H. TAWNEY.

Correspondance du Prince Joseph Poniatowski avec la France. Edited by A.M. SKALKOWSKI. Two volumes. (Poznań: Société Scientifique, 1921.)

JOSEPH PONIATOWSKI'S correspondence, printed in the collections of the Société Scientifique de Poznań, cover part of the year 1807, the whole of 1808, and part of 1809. For the bulk of this time Poniatowski was director of war at Warsaw in the government of the duchy, which had just been established after the treaties of Tilsit. In 1809 he was commander of the Polish contingents during the Franco-Austrian war. The contingents had for their object the occupation of Galicia. They did not take part in the great campaign in Austria.

All the letters are in the French language, and will be useful to every student of the period, and also of interest to the general reader. There are very full notes which would be particularly useful because of their identifications of the humbler people mentioned in the letters. Unfortunately these notes, except where they quote from a French document, are all in the Polish language. They are, therefore, of little or no value to most scholars outside Poland. It is natural, however, that a Polish society and editor should use their own language; but it was surely going beyond this natural aim to translate the dates at the head of the letters (which themselves are in French) into Polish. The originals of the letters must have had French dates. I have read a fair number of Poniatowski's letters in the archives of the Ministère des Affaires Étrangères at Paris, and I do not think any of them had headings such as 'Warszawa 14 lutego 1809'.

The value of the documents lies chiefly in two things. Firstly, they are highly important material for the history of the duchy of Warsaw. Secondly, they show the hollowness of the Franco-Russian alliance during the Austrian war of 1809. With regard to the history of the duchy the documents throw light chiefly on the Polish military system, and to a less extent on the finances of the duchy. As director of war Poniatowski had the task of making an army and a department of war, in a country that had practically no tradition of bureaucratic organization, and which

was too impoverished to contribute sufficiently to the financing of the army. The letters, most of which are to Napoleon, Davoust, or other French marshals, show Poniatowski as an honest, industrious, and fair-minded official, performing an uncongenial task with inadequate resources. Even had money been forthcoming, he would still have been in great difficulty: for the Polish tradition of insubordination persisted, and General Zajaczek refused to carry out Poniatowski's orders. The director had to equip an army without shoes, and to arrange depots of salt meat in barren departments, to find occupation for surplus officers (of whom there were many more than were required), and to attend to innumerable details which in a properly established department would have been settled by routine methods. Careful *comptes rendus* are printed showing numbers, equipment, and such things, most valuable for a study of the duchy's army.

In the second volume, which is largely concerned with the war of 1809, Poniatowski is shown in his proper sphere as a soldier. But even here he was greatly troubled by politics, for Prince Galitzin, the Russian general who was supposed to be co-operating with him, appears to have acted really in the interests of the enemy. It was with difficulty that Poniatowski got Cracow out of Russian hands. His correspondence with France about Galitzin's conduct is illuminating for a study of Franco-Russian affairs. They are not, indeed, a new discovery, but have been used by Vandal in *Napoléon et Alexandre* and by the present writer in *The Diplomacy of Napoleon*. But it is a good service to Napoleonic scholarship to print the letters in full.

A few of the documents in the collection are trivial: for instance, the note of five lines (i. 63-4) containing an invitation to dinner; or that on p. 199 stating that a document will be found enclosed in the note. I believe too that there are still one or two quite important dispatches of Poniatowski in the archives at the Quai d'Orsay which have not been printed in the present volume. The editor, however, has searched diligently in many archives, at Warsaw, Dresden, and elsewhere, as well as in Paris. The documents have been excellently transcribed and printed. Together they form a notable contribution to scholarship, worthy of the revived Poland and of the noble marshal of royal blood whose loyal attachment to his nation and to Napoleon comes out so clearly in the letters. In Poniatowski's simple faith, to say (as he does in his letters) that he was devoted to Napoleon for life was no mere convention. That is why he died, still following Napoleon, swimming the turbulent Elster in the rout after the battle of Leipzig.

R. B. MOWAT.

Histoire du Peuple Anglais au 19^e Siècle. Vols. ii and iii (1815-41). By ÉLIE HALÉVY. (Paris: Hachette, 1923.)

PROFESSOR HALÉVY's first volume (*L'Angleterre en 1815*) appeared in 1912, and was warmly welcomed in this Review.¹ We have now the second and third. As the author says, the delay which the war caused is far from having been an unmixed evil: a 'post-war' history appears in a 'post-war' age, and the historian finds his task lightened.

¹ *Ante*, xxviii. 176.

Nous nous souvenons avec quelle résignation ennuyée, dans les premiers mois de 1914, nous résumions, parce que c'était notre devoir d'historien, ces théories inflationnistes de l'école de Birmingham... dont nous parvenions difficilement à comprendre l'intérêt. Or, voici, ... les temps de Thomas Attwood sont revenus (II. viii).

One must admit that, in spite of the war, as the varied and not always interesting story of England from Waterloo to Peel's election of '41 passes under M. Halévy's pen, one feels now and again that he is but fulfilling his 'devoir d'historien'. Parliamentary and general narrative is an intensely difficult art, and it suits M. Halévy rather less well than does the analysis of a nation's soul or the history of a school of thought. Nevertheless the war has given life to much that, but for it, might have shown ennui; and the book is the best existing general narrative of the quarter of a century after Waterloo.

As in his first volume, M. Halévy excels in the handling of religious history. Believing, and rightly, that 'l'évangélisme est, au 19^e siècle, le véritable ciment moral du peuple anglais' (iii. 154), he lingers on the achievements of evangelical and methodist, without neglecting high churchman and Roman catholic. It never occurred to an English historian to test the ebb and flow of revolutionary sentiment among the masses by the rise and fall of church membership among the Wesleyan Methodists; but M. Halévy does this (ii. 96, &c.), and, once pointed out, it is an obviously excellent test. Methodist organization has been imitated by popular parties, from the 1d. a week subscription and the 'class-teachers' of the Hampden Clubs (ii. 11, 55) in 1816-20 down to the socialist Sunday schools of a later day. Led by its 'pope', the Rev. Jabez Bunting, Wesleyan Methodism set itself of definite religious purpose to keep its very numerous followers from plunging deeply into political strife in 1832 (iii. 145 n.), and so helped to keep England cool. As a more popular faith than Anglican evangelicalism, methodism deserves the special attention which M. Halévy gives it; but he does not fail to stress the evangelicalism of Shaftesbury, Oastler, M. T. Sadler, and the other 'social reform' Tories.

In the political sphere, Lord Liverpool's economic knowledge and enlightenment, and his really liberal toryism, get the praise which they deserve but seldom receive (ii. 112, 183, 197), and Castlereagh occupies the once unexpected niche which is now being reserved for him by most historians—'cet administrateur consciencieux... ce diplomate prudent et pacifique' (ii. 143). Of Canning M. Halévy is not very fond, yet it cannot be said that he does him injustice. Grey remains with him a rather shadowy figure. But Palmerston—'Cupidon'—and Melbourne, the prematurely old, Lord John, the doctrinaire who moves to the left because that is what Russells do, with the young Victoria and her prince, all stand out as they must from any French canvas; though M. Halévy has perhaps not the deft Gallic touch of Mr. Lytton Strachey. Peel is less workable material, and his figure is not quite clean-cut; but then there was something blurred and blunt-edged about his personality.

The international side of the story is clearly and conscientiously told, without much enthusiasm and without recourse to the—now very accessible—manuscripts; but M. Halévy is so widely read in printed sources that he could hardly, in any reasonable working day, have found time for the

Record Office. The economic side does not—one is disposed to think—entirely fulfil the promise of the volume of 1912 with its admirable cross-section of economic England in 1815. The more technical parts of it are not always quite accurate. ‘ Dans le Yorkshire . . . on avait inauguré, en septembre 1825, la ligne de Stockport à Darlington ’ (iii. 259) is an unfortunate combination of a geographical slip and a printer’s error. (Perhaps the fuller treatment which the railways deserve is held back for the next volume.) M. Halévy has copied from a manual a statement which seems to say that the first iron ship was launched in 1843 (iii. 260) ; but the *Aaron Manby* sailed from London to Paris in 1820 and the *Elburkah* from Birkenhead to the Niger in 1832. His references to the Navigation Acts and the Reciprocity Treaties (ii. 114, 116, 186) are not at all clear, and appear to be inaccurate. But the broader social-economic lines—of the poor law, of the economics of chartism, of politics and price-movements (e. g. ii. 51, 97)—are drawn in with a sure and firm hand.

J. H. CLAPHAM.

Lord Minto, a Memoir. By JOHN BUCHAN. (London : Nelson, 1924.)

THE life of a public servant who occupied successively the position of governor-general of Canada and viceroy of India cannot but throw light on contemporary history ; though Gilbert John, fourth earl of Minto, was not of those who cared for the limelight, so that there will be many who will first learn from Mr. Buchan’s most interesting memoir the important part that he played in both hemispheres.

After some years of ‘ strenuous idleness ’ and of ‘ apprenticeship ’ in various portions of the world, wherein he showed no little courage and capacity, Lord Melgund (as he then was) settled down to serious business when he accepted, in 1883, the position of secretary to his old school-fellow and friend, Lord Lansdowne, on the latter’s appointment as governor-general of Canada. How well Melgund performed his duties may be gauged from the parting remark to him of Sir John Macdonald, a shrewd judge of men : ‘ I shall not live to see it, but some day Canada will welcome you back as governor-general.’ After twelve years, mainly devoted to making the volunteers a real portion of the British military system, Macdonald’s prophecy was fulfilled and Minto returned to Canada as governor-general. Another great Canadian was now at the helm, and the relations between Sir Wilfrid Laurier and the governor are of special interest. Minto had had hitherto no great love of politicians, and he fully recognized the opportunist character of the great French-Canadian’s policy. Nevertheless he fell under the spell of Sir Wilfrid’s charm, and a cordial friendship existed between the two very different natures. But this by no means implied that Minto was remiss in his duty as custodian of imperial interests. His wonderful tact and good sense may be seen in his treatment of the two thorny cases of Sir E. Hutton and Lord Dundonald. Hutton was an imperial officer in command of the Canadian militia, in whose case the cause of offence was that he took his duties seriously and strove to make a reality of what Canadian ministers preferred to keep a mere sham. He had been careful to move within constitutional limits.

Accordingly, when the Canadian ministry demanded his resignation, Minto put up a strong fight on his behalf, though he recognized that

it would be a great mistake to push an advocacy of the General's position to extremes. . . . Anything like an attempt to overpress the Government to retain him would in all probability be taken as unjustifiable imperial pressure and be resented accordingly.

He therefore signed the request to the home government for the general's recall; whilst he made his ministers accept the responsibility for such removal. Very different was the case of Lord Dundonald. Dundonald, no doubt, had strong provocation when he found appointments in the militia made the cat's-paw of party politicians; but, when he proceeded, in effect, to 'stump the country' against his own masters, his fate was inevitably sealed.

I entirely agree with my government, Minto wrote, as to the immediate necessity of Dundonald's dismissal. . . . The question whether public departments are to be run on political lines is one not to be settled by the Governor-General but by the Dominion Parliament and the people of Canada.

Notwithstanding the seductive atmosphere of Government House, the shrewd intuition of Minto arrived as early as 1900 at conclusions which were at the time rather startling to English imperialists:

People at home do not appreciate the growing aspirations of the young nationalities we call colonies. . . . The more I see the more convinced I am that the strongest feeling of Canadians is a feeling of Canada's national independence.

'There is no reason why,' he wrote three years later, 'if Canada and the motherland share mutual interests, her national ambitions should be anti-imperial; if they do not, the tendency will be towards eventual separation.' (It was on this ground, without any special belief in Mr. Chamberlain, that Minto supported the cause of tariff reform.)

No less suggestive were his comments on Sir Wilfrid Laurier:

Sir Wilfrid's own inclination towards an imperial federation of any sort is in my opinion extremely doubtful. In fact though his recent speeches appear to have been taken in England as enthusiastically imperialist, I am convinced they guarantee no such opinion. His speech in the House was very eloquent, but the 'call us to your Councils' phrase appears to have been accepted as indicating a wish to be called—the very last thing Sir Wilfrid would want, and the speech itself does not justify that interpretation of it.

Like other impartial observers Minto believed that obstinate British assertiveness was much more to be feared than French sympathies.

Throughout his period of office Minto was a standing proof of the influence that a governor can still exercise under modern conditions. It is to his perseverance that Canada owes the proper custody of its archives and the appointment of Dr. Doughty as their keeper. Dr. Doughty himself has written of Minto:

Sir W. Laurier said once: 'Lord Minto is the most constitutional governor we have had.' And yet perhaps no other governor succeeded so completely in imposing his own policy upon the government. He would suggest, persuade, insist; but when once his point was gained, there was complete self-effacement, and the measure became that of his advisers even in its inception.

As an example of his methods we may cite his visit to Klondyke; after which, without uttering a word of criticism, or putting himself to the fore,

he succeeded in obtaining a remedy for all the legitimate grievances of the gold-diggers.

Nothing could be more different from the position of a constitutional dominion governor than that of the autocratic viceroy of India; but the same gifts of swift intuition, patience, good humour, and self-effacement which made Minto an ideal constitutional governor served him in good stead in his new position. Of especial interest are the relations between the viceroy and the secretary of state, Mr. John Morley. Mr. Morley had many of the qualities of greatness, but excessive modesty was not one of his failings, and occasionally his fussy interference in matters of detail tried severely the patience of Minto. The material given in this volume will be found completely to correct the impression left by Lord Morley's *Autobiography* of a wise and enlightened master leading by the hand a meek and docile political tyro, and to prove that the initiative in the Morley-Minto reforms belonged as much, if not more, to the viceroy as to the secretary of state.

Minto shrewdly assessed [we are told] the temperament of the secretary of state and set himself to counteract its dangers. His aim was by patient argument and adroit suggestion to get Mr. Morley to believe that the policy of the government of India was initiated by Whitehall. It mattered little who got the credit so long as the work was done.

The result was that the relations between these two men who had little previous knowledge of each other came to be of the most cordial and intimate character. Mr. Buchan's book would be worth reading, if only for revelations of Morley's character such as the following :

The real truth is [he was writing to Lady Minto] that I am an occidental not an Oriental ; but don't betray the fatal secret or I shall be ruined ! I think I like Moham-medans, but I cannot go much further than that in an Easterly direction. [Or again] I am not very clever at egg dances as my old chief was, but I'll try my best . . . I have always said that Strafford would have made a far better business of Ireland than Cromwell did.

Nevertheless, however close might be the personal relations of the two, when vital things were at stake, Minto remained firm. He strongly opposed proposals to reduce the strength of the army in India, and he criticized freely the terms of the Anglo-Russian agreement from the point of view of the effect it might produce on Afghan susceptibilities. Fortunately on the pivot question of Indian reform the viceroy and secretary of state were in complete agreement.

It is important [Minto said in opening the new legislative council on 10 January 1910] that my colleagues and the Indian public should know the history, the early history, of the reforms which have now been sanctioned by Parliament. They had their genesis in a note of my own addressed to my colleagues in August 1906, nearly three and a half years ago. It was based entirely on the views I had myself formed of the position of affairs in India. It was due to no suggestion from home ; whether it was good or bad, I am entirely responsible for it. . . . I believe that the broadening of political representation has saved India from far greater troubles than those we have now to face. I am convinced that the enlargement of our administrative machinery has enormously strengthened the hands of the viceroy and the government of India and has brought factors to our aid which would otherwise have had no sympathy with us. I believe above all that the fellow-service of British and Indian administrators under a supreme British government is the key to the future political happiness of the country.

A final quotation may serve to show why Minto was so successful in dealing with men. When Mr. Keir Hardie was touring India Minto invited him to the viceregal lodge. 'Keir Hardie', Minto wrote, 'was much better than he was painted. I rather liked him, as I think every one did at Simla who met him. He is simply a crank, and his sayings were very much exaggerated.'

What a singular world! Morley replied, A talk with Scindia one day and then with Keir Hardie the day after! The last event fills me with a queer exquisite sort of satisfaction; and I think if you had been here while the Keir Hardie storm was at its height . . . you would relish the notion of 'a cordial interview with the Viceroy' as keenly as I did. The King heartily approved of your seeing him.

It only remains to add that Mr. Buchan has succeeded within a single volume of less than 350 pages in giving a most living portrait of a most attractive personality and of a most eventful life. We should naturally have been grateful for still more of the delightful letters from which quotations are made; but we are none the less thankful for what we have received. No praise can be higher than that the memoir is worthy of its subject, the man whom Lord Kitchener esteemed 'the best, most gallant, and able administrator that England ever produced'. H. E. EGERTON.

The Caliphate. By Sir THOMAS ARNOLD, C.I.E., Litt.D. (Oxford: Clarendon Press, 1924.)

To those who use current events as a clue to the understanding of the remote past the recent vicissitudes of the caliphate (or caliphates) are instructive, if not edifying. After the armistice Indian Mohammedans clamoured for generous treatment of Turkey on the ground that the Turkish sultan was their caliph, whose independent sovereignty was a postulate of their religion. Turkey was then on her knees; but a Turkish soldier reorganized her forces, won some victories, and was acclaimed as the champion of Islam; he immediately dethroned his caliph and set up another of the same family, whom however he deprived of his political powers. His caliph was accepted by many Mohammedan communities, and after less than eighteen months he is also dethroned by the champion of Islam, and his office abolished. Another ambitious potentate immediately assumes the title, and after holding it for about eight months is driven into exile by another ambitious potentate. The world is waiting to see what will happen next.

Now the history of Islam presents a recurrence of similar scenes, with no underlying principle save the maxim that 'those should take who have the power, and those should keep who can'. The word *khalifah*, which properly means 'substitution' and thence 'substitute', was given to the first substitute for Mohammed, and came to signify Moslem king. A man's substitute is ordinarily his son; if he have no son, some other relation. The present writer, who, though a biographer, is by no means an encomiast of the Prophet, has been praised by Mohammedans for suggesting that his numerous marriages were dictated not by passion but by political motives; he was most anxious to have a son to succeed him; failing that, to establish relationship between himself and influential

persons whose loyalty he could thereby secure. He left no son ; but he left a number of fathers-in-law, sons-in-law, and brothers-in-law. This group provided him with natural successors till one of them reigned long enough to establish a dynasty. His first successor was his father-in-law ; his successor was the like ; the third and fourth successors were sons-in-law, the third having married two of his daughters successively. His fifth successor was his brother-in-law. The brilliant stroke whereby the Prophet had married the daughter of his chief opponent proved as successful as the others.

Owing to various reasons, chief of which were the difficulty of communication and the untrustworthiness of the oriental character (encouraged by the Prophet's legalizing of perjury), it was easier for the Arabs to conquer provinces than to retain them ; and the Moslem empire speedily split up into independent realms. Where an Arab founded a dynasty among an Arabic-speaking people, he would be inclined to take the title *khalifah*, regarding himself as the prophet's hereditary successor ; it might not be easy to prove, but it was still harder to disprove his claim. And where a non-Arab founded one among non-Arabs he would provoke little resentment by assuming the name. But where a non-Arab made himself ruler of Arabs he found it safer to maintain as his nominal suzerain some one who claimed relationship with the Prophet, whose deputy he professed to be. This plan had its risks, which materialized in Baghdad, which had been founded by a relation of the Prophet, and whose population was at all times partial to that particular house ; but it worked excellently in Cairo, which had no such associations with that branch of the family. By the constitutional law of the Mamluk *régime* the sole function of the caliph was to install sultans ; otherwise it was desirable that he should possess a library, and (presumably) read the books.

This would seem to be the substance of the caliphate question ; complication arises from the fact that it is the duty of every Moslem to make the pilgrimage to Mecca at least once in his lifetime, whence the potentate who is in possession of Mecca and its approaches occupies a unique position in the Moslem world, since he only can maintain this particular ' pillar ' of the Mohammedan religion. From this point of view the Ottoman sultan became *de facto* caliph when he first came into possession of that sanctuary, and ceased to be when he lost it (in the recent war). He seems to have assumed the title long before, in the sense of Mohammedan king. The question whether he ever was or could be *de jure* caliph is one whereon jurists and theologians are at variance.

The historical and theological material which comes legitimately within the caliphate question is naturally very vast ; the number of Mohammedan dynasties, powerful and weak, is bewilderingly large ; to make out which of their representatives took the titles *khalifah* and *amir al-mu'minin* (Prince of Believers), and which did not, would be a most laborious study ; to read all the treatises wherein the *imamate* (sovereignty) is discussed would be still more laborious. Hence some selection has to be made, and different scholars would naturally make different selections. Sir Thomas Arnold's may be as good as any other.

Since this work displays a considerable amount of industry and research,

the reviewer is most unwilling to criticize it unfavourably, and he has many other reasons for such reluctance. Yet duty must be done, and he must confess that the number of apparently untenable propositions or propositions which require modification appears to him altogether out of proportion to the size. Thus we are told (p. 146) that the fiction that the last Abbasid caliph of Egypt handed over his dignity to Sultan Salim has passed unchallenged from one historical work to another, without any attempt to test the validity of this assertion. References are given to Weil, Kremer, and A. Müller. Kremer's words are 'Der letzte derselben soll seine Rechte an den Türkischen Eroberer abgetreten haben', which surely do challenge the assertion, since *soll* means 'is said to have'. Weil inserts the word *wahrscheinlich* 'probably', which also implies doubt. In his preface (p. xvi) he produces evidence against the transfer, which he questions, as he had a right to do. The matter has since been discussed by Dr. Barthold,¹ who decides against the transfer, and Dr. Kasi,² who seems to decide in its favour. To say that the 'fiction' has passed 'unchallenged' is absurd.

But the curious point is that Sir Thomas Arnold seems to be even less critical in this matter than Weil or Kremer. He says: 'There is no doubt that Salim carried off these reputed relics (the Prophet's robe "of which mention has already been made as being worn by the Abbasids of Baghdad on solemn state occasions", &c.) to Constantinople, as part of the loot which he acquired by the conquest of Egypt; but of the alleged transfer of the dignity of the Khalifat there is no contemporary evidence at all.' Now if these relics were in the keeping of the Egyptian caliph, and Salim got them, the Khalifat was *ipso facto* transferred. When Tāhir had put the Caliph Amin to death, and transferred his dignity to Ma'mūn, he wrote: ³ 'I have sent unto the Prince of Believers this world, viz. the head of the deposed Caliph, and the next world, viz. the Mantle and the Staff.' The possession of these articles involved heirship of the Prophet. 'He possesses', says an encomiast of the Abbasid Nāsir, 'the Seal of the Prophet with the Sword and the Mantle as his inheritance.'⁴ R. Basset in the *Encyclopaedia of Islam* asserts that the mantle was burned by Hulagu when he took Baghdad; this need not have prevented the Egyptian caliphs from possessing it afterwards, but is there any evidence either that they possessed it or that Salim took it off as loot? To say that 'there is no contemporary evidence at all' appears in these cases to be imprudent; it would be safer to say that none had been brought, and still safer that the writer has met with none. But if such evidence exists, the transfer of the caliphate from the Egyptian to the Ottoman caliphs might be regarded as established.

On p. 155 occur the words 'Sultan being a title that any Abbasid Caliph would have scorned to assume'. Some reference should have been given for this doctrine, since historians who lived under the Abbasids (e.g. Tabarī, iii. 2124. 6) and their encomiasts (e.g. Buhturī, ed. Const. ii. 170. 11) use this title of the caliph without hesitation. We read on p. 13: 'When the authoritative collections of Traditions, to which

¹ In *Der Islam*, vi (1916), 401.

² In *Die Welt des Islams*, v (1918), 207.

³ *Irshād al-Arib*, ii. 163, and references.

⁴ Sibṭ Ibn al-Ta'awidhi, 149, 30.

reference has already been made, were compiled in the third century, they were accepted without question and were held to admit of no cavil or dispute.' How any one who had ever seen these books could write this sentence is a puzzle; for the 'Six Books' are to a large extent rival compilations; out of the current mass of tradition their authors select what they regard as credible, and they select on different principles. Goldziher, who is the best authority on this subject, says of the two collections which head the list, 'In der ersten Zeit ihres Erscheinens hatten diese Werke noch um die Palme der öffentlichen Bevorzugung mit einander zu ringen' (at their first appearance these works had to compete for the palm of public preference); at the first, he proceeds to say, the *Sunan* of Abū Dāwūd proved a serious rival. Yet more amateurish is the sentence (p. 75): 'Ibn Khaldūn bases the necessity of an Imām or Khalifah on the religious law given by divine revelation, adding to it in accordance with the commonly accepted doctrine of the Sunni legists the consensus (*sic*) of the companions of the faith and their followers.' What Ibn Khaldūn says is, 'The appointment of the Imām is obligatory, its obligatoriness in the code being known by the consensus of the Companions of the Prophet and the succeeding generation'. He does not claim for it, then, the authorization of 'divine revelation', i. e. the Qur'an, but that of the third source of law, Consensus; and since that word was interpreted variously, he specifies whose Consensus he means.¹

Doubtless, where the period covered is so lengthy and extends over so many regions, it is hard to avoid error and inaccuracy. Perhaps, therefore, a reviewer should say no more than that the statements of this book must be received with some caution. Certainly it would seem to contain much material which has not previously appeared in an English dress.

D. S. MARGOLIOUTH.

A History of the Temple, London. By J. BRUCE WILLIAMSON. (London: Murray, 1924.)

WITHIN the last few months we have had two books dealing with the Inns of Court. Mr. Bruce Williamson's volume tells the story of two of these famous institutions from the earliest period down to the close of the Stuart period. Quite reasonably the book stops here because the records of neither the Inner nor the Middle Temple beyond that date have yet been published, though the author has handled the materials to which he has confined himself in such a manner as to make us look forward to a second volume from his pen. Certain parts of the narrative are of course well known already; others, like the first settlement of the lawyers in the Temple, have long been matters of conjecture; and a great many details are here, for the first time, based upon the original domestic records of these two Inns of Court, because the author very properly preferred to rely upon them instead of limiting his research to published versions of them. He divides his work into two parts, the first dealing with the Knights of the Temple, the second with the societies of lawyers

¹ The French translation is correct: 'La loi, se fondant sur l'accord général des compagnons du Prophète et de leurs disciples, en a déclaré la nécessité.'

that succeeded them. It would be a deeply interesting tale in almost any hands, and Mr. Williamson has made it a fascinating one, marked by genuine scholarship and by much patient labour. If the palmy days of the Knights of the Temple testified to the power of riches, their fall certainly showed its deceitfulness as well. Yet this history proves that, whatever the cause of their ruin might be, it was not because, like Jeshurun, they waxed fat and kicked. If we feel that some of the topics discussed—such as the biographies of the Templars who have been great lawyers and judges—might have been condensed on the ground that information about them is tolerably accessible elsewhere, we forget perhaps that large libraries are not at the command of every one of Mr. Williamson's readers. At the same time, we should like to have seen more extracted from a comparatively rare work like the *Accedens of Armory* of Gerard Legh (not Leigh, as the author styles him), and less said about Jeffreys, whose iniquity and ability have by now been pretty well assessed. It is not that the account of him given here is not as interesting and impartial as any that we have read; but that the length of it and other biographies is scarcely relevant to the main purpose of the book. The eight illustrations include an extract from the parliament records of the Middle Temple, and another from the Middle Temple Admissions Book.

Small inaccuracies that may be noticed are 'serialibus' for 'ferialibus' on p. 98, 'Selected Papers' for 'Collected Papers' on p. 110, n. 1, '1890' for '1809' on p. 136, n. 1, the title of Brooke's *Abridgement*, ed. 1573, on p. 166, and a reference to Herbert on p. 121, which is likely to be confused with the one correctly given to Waterhous on p. 120. No account seems to have been taken on p. 249, n. 1, of the comparatively recent views of Maitland, Dr. Bolland, Mr. Turner, and Dr. Holdsworth on Plowden's attribution of the origin of the Year Books to four official reporters. The author may well be pardoned for following the popular, but probably inaccurate, tradition that Fitzherbert's *Abridgement* was first published in 1514 instead of 1516, for the *Harvard Law Review* for December 1923 was presumably not available to him before his book went to the press.

P. H. WINFIELD.

Short Notices

There lies before us a volume of essays by Peterhouse men, relating mainly to Peterhouse and some of its famous members. It was to have been presented to Sir Adolphus Ward on the twenty-fifth anniversary of his election as master of that college; but, as the preface tells us, 'Dis aliter visum', and it now appears with the title *In Memoriam: Adolphus William Ward* (Cambridge: University Press, 1924). The master of Emmanuel and Professor Barnes contribute memorial notices, full of the affection which Sir Adolphus Ward inspired. Among the many other such tributes which were written we may be permitted to draw attention to two which have a special value for readers of this Review, the intimate sketches of Ward's work as an editor of co-operative volumes, contributed by Sir Stanley Leathes and Dr. Gooch to the second number of the *Cambridge Historical Journal*. But the whole of this Peterhouse volume is part of his memorial: the college may well be proud of its contents and of the spirit which runs through them. A mere list of the essays will show their extraordinary range of interest. Dr. Walker, making skilful use of college muniments, traces the influence of Lancastrian and orthodox Peterhouse in the period which led up to the Reformation: he claims Hugh Latimer as a Peterhouse man. Professor Hearnshaw gives a valuable analysis of the ecclesiastical policy of Archbishop Whitgift. Lord Chalmers gives a learned and graceful essay on Richard Crashaw, and Dr. Barnes on Brian Walton. In 'The Struggle of James the Second with the University of Cambridge', Mr. Vellacott has an important subject and prints some good new documents. Mr. Temperley gives an entertaining and convincing criticism of two legends about the poet Gray, that of his departure from Peterhouse, and that of Wolfe's recitation of the Elegy before Quebec. Mr. de Montmorency's study of 'Poor Students and New Halls', mainly in the thirteenth century, is in some respects controvertible, but full of suggestion. General Sir William Birdwood describes his father's Indian career. Mr. H. C. Hughes makes an interesting contribution to the history of the college buildings. The book as a whole shows wonderfully well the rich variety of the life of an ancient house of learning. A.

Miss Cecile O'Rahilly's *Ireland and Wales, their Historical and Literary Relations* (London: Longmans, 1924), is modestly but correctly described in the preface as 'a compilation of theories and conclusions drawn from various scattered authorities'. The most successful part of the book is the first chapter, which sets forth the arguments advanced by Zimmer in support of the view that the Goidelic settlement of Ireland was made direct from the Continent—possibly from western Gaul—as against the

theory of Rhÿs, that it was made from Britain. Miss O'Rahilly's clear and temperate summary of the arguments will be useful to students who may not have easy access to Zimmer's own expositions. The remainder of the book is much less satisfactory. The second chapter attempts an outline of the 'historical relations of Ireland and Wales', beginning with pre-historic times and extending nominally to the present day. It is a pity that Miss O'Rahilly did not frankly stop about the middle of the twelfth century, for down to that point her sketch, regarded as a collection of facts and current hypotheses, is not altogether without interest. The third chapter, on the literary relations of Ireland and Wales, is necessarily too tentative to be of much value for historical purposes. The book concludes with a page of additions and corrections, some of which will be useful reminders that archaeologists' hypotheses are apt, like Fluellen's Fortune, to be 'turning, and inconstant, and mutability, and variation'.

J. G. E.

The British Academy's annual Italian lecture for 1923 was given by Mr. Edward Armstrong on *History and Art in the Quattrocento* (London: Milford, s.a.). Mr. Armstrong 'goes to the quattrocento artists for the story which they tell and for their way of telling it', and what he passes on to his hearers shows that he finds a congenial subject for bringing into play the learning, the literary skill, and the humour which never desert him. He amply shows that 'the illustrative character of quattrocento art is to the historian of inestimable value'.

B.

Professor Albert Büchi of Fribourg university, the editor, for the *Quellen zur Schweizer Geschichte, of Korrespondenzen und Akten zur Geschichte des Kardinals Matthäus Schiner*,¹ has, like many modern editors, been the first to utilize his edition for an exhaustive biography of his hero, *Kardinal Matthäus Schiner als Staatsmann und Kirchenfürst, ein Beitrag zur allgemeinen und schweizerischen Geschichte von der Wende des 15.-16. Jahrhunderts*, of which the first volume, down to 1514, has appeared (Zürich: Seldwyla, 1923). English readers will remember the famous bishop of Sion, the friend of Erasmus and candidate for the papacy after the death of Leo X, from his mission to Henry VIII in 1516, when on the eve of the 'Everlasting Confederation' between France and the Swiss cantons he made a last effort to crown his life's work by a European coalition against his French neighbours.² The chief merit of the book consists in a thoroughly modern historical spirit. It sets off the figure of the powerful ecclesiastical prince against the social background of the aristocratic democracy of the Valais, remarkable just at that time for the inroad which the German communities, the *Zenden*, made upon the original Romance population, and by the consequent preponderance which a papal bull of 1486 had secured to the German nobility in the bishopric

¹ See *ante*, xxxvi. 146.

² See the late Professor Oechsli's essay on the *Historical Relations of England and Switzerland* in the appendix to his *History of Switzerland* (noticed *ante*, xxxviii. 153) on pp. 419 ff., where the name is still spelt with a double n, whereas Dr. Büchi's spelling appears to have the authority of the cardinal's invariable signature, p. 15, n. 1.

and chapter. The worldly character of the cardinal's person and career, which Oechsli compares to that of Pope Julius II, is hardly more curious than the pervading atmosphere of 'high' international politics in this most prominent of Swiss 'pass countries'. A secular counterpart to Schiner is his relative and deadly enemy Jörg uf der Flüe (Supersaxo), the Valais *Landschreiber* and *Zendhauptmann*, a typical representative of renaissance Switzerland with its beginnings of international mercenary service and foreign political pensions, a scholar in four languages. It is in dealing with him (pp. 164 ff.) that the author perhaps betrays some partiality, appropriating Schiner's epithet of 'lupus rapax' without thinking of the colossal gains the cardinal himself made in the papal wars in upper Italy.

C. B.

Many English students of political thought should find a use for Mr. H. J. Laski's reprint of *A Defence of Liberty against Tyrants* (London: Bell, 1924), and there is much to be said for his plan of 'a series of similar reprints'. Mr. Laski has evidently supplied his printer with a copy of the English translation of the *Vindiciae* (all but the preface) which was published in 1689, no doubt because it is more easily obtainable than that of 1648, from which it was itself reprinted. It is a much better translation than some others of its kind, for instance Knolles's of Bodin, but its rather muddy English does less than justice to the original. Mr. Laski has modernized the capitals and the spelling (excepting that of proper names), but he has not revised his text, e. g. on p. 87, where 'tenure' must be a mistake for 'tenor' as the word is spelt lower down on the same page. The first sentence of that page is one of the translator's less successful attempts and it too might well have been corrected. The Biblical references in the margin are omitted, and few modern readers would use them, but along with them have gone some headings which help to explain the argument and the interesting references to legal and other authorities. In an introduction of sixty pages, Mr. Laski summarily criticizes the literature of the subject.

C.

In his lucid book *Les Idées Politiques en France au XVII^e Siècle* (Paris: Giard, 1923) M. Henri Sée has a subject with which he is thoroughly at home. His method is to summarize and briefly discuss the works of the principal writers, indicating fully in the foot-notes that his results are drawn from a thorough survey of the extensive modern literature of the subject and a close study of the texts. In the interpretation of authors like Bossuet, Fénelon, St. Simon, and Vauban one does not expect surprises; but M. Sée has the art of making even what is familiar seem fresh and living. He has not the failing sometimes found among writers on political ideas of neglecting the underlying history of political events. Both as an introduction to the literature with which it deals and as a companion to the political history, his book deserves wide popularity.

D.

The student must always be grateful to the author who has the courage to attempt to paint a picture in broad outline of so nebulous a period as

the seventeenth century. This has been the aim of Miss Mary Coate in her pleasantly written little book on *Social Life in Stuart England* (London : Methuen, 1924), and on the whole it may be said that she has succeeded, though sometimes one feels that in her picture both the high lights and the shadows are a little too much accentuated. Was the country squire in the first half of the century quite so normally a simple-minded patriot (chap. i) ? Can the apprenticeship system be said to have worked well in the seventeenth century ? Or, on the other hand, was the century one of 'widespread social misery' (p. 115), or is it quite fair to say that wages 'were fixed by the local justices below the level of subsistence' (p. 30) ? It would, however, be ungenerous to criticize too severely such faults of generalization as these, for Miss Coate has sought to cover a very wide field of original sources, and her work will be read with considerable profit by those undergraduate students for whom it is intended. Small points which may be noted are that 'Simonds' is preferable to 'Simon' as D'Ewes's christian name (p. 17), that 'pressed men' were not necessarily recruited by force (pp. 96, 102), that there was a very real justification for the Settlement Act of 1662 (p. 116), while G. Kitchin's *Roger L'Estrange* might well be added to the bibliography to counteract Mr. Muddiman's rather inaccurate life of Henry Muddiman.

E. R. A.

La Vie, la Mode et le Costume au XVII^e Siècle : Époque Louis XIII (Paris : Champion, 1924), by M. Hippolyte Roy, is a study of the social life of the court of Lorraine from 1624 to 1663, that is to say from the accession of the duke Charles IV to the occupation of the duchy by Louis XIII. Copious details are given with regard to costume, jewellery, styles of hairdressing, minor toilet accessories, articles connected with the chase, modes of travelling, and so forth, while an interesting catalogue gives us an account of the different materials in use in the seventeenth century and their respective cost. M. Roy's narrative is based mainly on the account books of the duchy and the records of contractors and purveyors to the court. Similar records of the royal court during this same period perished early in the eighteenth century ; the ducal court was naturally modelled upon that of the king, and these two facts naturally enhance the value of M. Roy's researches to the student of the social life of these times. This volume is provided with an excellent index, and a detailed glossary is appended from which much curious information may be gained.

C. E. M.

Among the new collections of treaties, arranged and edited in accordance with the needs and standards of modern scholarship, which contribute greatly to the historical study of international relations, one of the most important is the collection *Danmark-Norges Traktater, 1523-1750*, edited by Dr. L. Laursen. The sixth volume, which has now appeared (Copenhagen : Gad, 1923), covers the period 1665-75, one in which the foreign relations of the Danish Crown are of great importance for general European history. The texts of the treaties and subsidiary documents, in Dutch, French, German, and Latin, are admirably done and supersede all former editions. There is a full table of contents in French. The most valuable

part of the volume is the series of editorial narratives in Danish, which amount to a complete history of Danish diplomacy written from the archives and printed sources. These will be indispensable for all students of northern history in this period, and contribute a good deal of detail to what is known of German affairs. E.

The third and last volume of the *Diary of the First Earl of Egmont, 1739-1747* (London: Stationery Office, 1923), which is now issued by the Historical Manuscripts Commission, is again largely concerned with Georgia. England's right to this territory was denied by Spain, and the question was one of those referred to the commission which was appointed under the convention of 1739 to settle various outstanding differences between the two countries. It is interesting therefore to learn that Walpole had apparently reason to believe that in return for the cession of this bankrupt and expensive colony Spain would be ready to give way on other and more material points of dispute, and in particular on the right of search, a possibility which suggests that the commission's prospects of reaching an agreed settlement were brighter than has been usually supposed. Lord Egmont adds little to our knowledge of the unreported debates and obscure negotiations which preceded and followed the resignation of the minister, but he had several conversations with the duke of Newcastle's brother-in-law, who gave him the point of view of one section of the cabinet, and told him that

if the Parliament is obstinate to have Sir Robert Walpole out, the King is no less determined not to part with him, and some of the ministry beginning to differ with the rest, his Majesty sent for them all and told them that if he changed one minister he would take an entirely new set. By which he gave them to understand that they must support Sir Robert and run his fate.

Shortly after Walpole's fall some one found him at his house at Richmond getting ready to go out hunting. 'You see', said Sir Robert, 'I hunt, whilst others hunt me.' Towards the end of his life Lord Egmont went to Buxton, a distance of 180 miles, to drink the waters. He kept a record of the journey which took him a week, travelling on an average nearly seven hours a day. The value of this remarkable diary is increased by an exhaustive index. R. R. S.

In the 'Annale van die Universiteit van Stellenbosch' appears a volume *De Retief-Dingaan-Ooreenkoms* (Capetown: Nasionale Pers, 1924) which contains three papers on the controversy excited by Sir George Cory's assertion that he doubted whether there was such a thing as a Retief-Dingaan Treaty, and believed that the treaty of 4 February 1838 was really a fabrication of some ten months later, after the bodies of Retief and his companions who had been murdered by the Zulus had been found. An introduction by Dr. S. F. N. Gie gives a brief account of the controversy, and papers follow by Sir George Cory setting out reasons for his doubts, by Mr. Gustav Preller hotly contesting his views, and by Professor W. Blommaert reviewing the arguments and deciding in favour of the genuineness of the treaty. The original has disappeared, having apparently been dispatched to Dr. Leyds in Holland in June 1900 but

having failed to reach him, and the circumstances of the completion of the treaty are obscure owing to the murder of the white men whose names appear on it. Sir George Cory's doubts were, however, largely based on handwriting, an especially doubtful test to apply to a document which is merely a tracing of the original, and there does not in fact seem to be any substantial ground for doubting that the document was in fact what it purported to be, an agreement between Retief and Dingaan executed by both parties. Sir George Cory himself, according to Dr. Gie, has subsequently admitted the genuineness of the treaty. He seems, however, to have established that the date cannot be right, and it should probably be 6 not 4 February.

H. L.

The prolific Sicilian scholar, Dr. Giuseppe La Mantia, has published a pamphlet, *Dei Congressi degli Scienziati Italiani dal 1839 al 1875* (Palermo: 'Boccone del Povero', 1922), giving the history of these twelve political rather than purely scientific gatherings and describing, on the basis of two documents, the abortive proposal of 1845 to hold the ninth congress at Palermo. It forms a slight contribution to the history of Italian unity.

W. M.

The earl of Kerry, great-grandson of the comte de Flahault, has edited with an introduction an unpublished correspondence, preserved among the papers of his family, between Louis Napoleon, MM. de Morny, de Flahault, and others, under the title of *The Secret of the Coup d'État* (London: Constable, 1924). These documents throw new light upon Louis Napoleon's parentage, in which connexion Flahault mentions (p. 61) that he had 'always heard it said that the emperor [Napoleon I] was the son of M. de Marbœuf'. They contain evidence (pp. 127, 131, 135, 199) of an Orleanist plot, anticipated by the *coup d'état*; they show that Flahault was among those initiated in the events of 2 December and was invited to accompany Louis Napoleon on horseback that morning (pp. 118, 121); they minimize the casualties, and illustrate Palmerston's resignation and Queen Victoria's attitude (p. 195). Flahault was well suited for the part of *liaison* officer between Great Britain and France, for his son-in-law was eldest son of Lord Lansdowne, he was by marriage a Scots laird, and among his friends were Palmerston, Russell, and Granville. Later on he became the official French representative in London. But the picture of Louis Napoleon given in these confidential letters is not flattering, and the correspondents knew their man. The book contains several interesting portraits and a brief study by Mr. Philip Guedalla, who is entitled to speak with knowledge on this subject.

W. M.

Theodore Lyman joined General Meade's staff in September 1863, two months after Gettysburg. He was without military experience, having recently returned from a prolonged visit to Europe.* But some years earlier in Florida he had made the acquaintance of Meade, then a captain of engineers, and the latter offered him a post on his staff at the end of 1862. Lyman promptly obtained a commission as lieutenant-colonel in the Massachusetts militia and came to the army of the Potomac as a volunteer

aide-de-camp. This position carried with it no pay, but would enable him to resign his post whenever he chose, 'without embarrassment'. But he stayed with Meade till the end of the war, and proved as useful as well as an ornamental member of the staff. He set himself a high standard of duty; an aide-de-camp should be something more than 'an orderly in shoulderstraps'. He wielded the pen of the ready writer, and from his almost daily letters to his wife Mr. George R. Agassiz has made a selection and edited them on behalf of the Massachusetts Historical Society: *Meade's Headquarters 1863-5* (Boston: Atlantic Monthly Press, 1922). On Meade's staff Lyman occupied an exceptional position; he and the chief of the staff were the only other members of the general's mess. He could therefore estimate the true inwardness of events and appreciate the real meaning of military movements. But in his letters he observed great discretion and gave away few secrets. To the general reader the chief interest of these letters will consist in their lively and humorous pictures of the social life at head-quarters, and of the ladies, politicians, and foreign officers who paid frequent visits, especially when the army was in winter quarters. Very entertaining are his descriptions of the personal appearance and peculiarities of the more important generals, especially of Ben Butler, 'a combination of Victor Emmanuel, Aesop, and Richard III'. The military student, too, will find much of interest and value in these 360 pages, especially in the account of the siege of Petersburg, the first real instance of trench warfare. The description of the tremendous duel between Grant and Lee in the Wilderness and at Spotsylvania is vivid and well informed. Lyman possessed keen observation and shrewd judgement. He hated all politicians, as was natural in one who twenty years later was the only independent member in Congress, and his appreciation of Abraham Lincoln will give a shock to the modern reader. Nor was he above admiring the enemy. His pen yielded many a tribute to Lee's generalship and the fighting qualities of the army of northern Virginia. Meade he esteemed highly, maintaining that no one could have handled his army better. He pictures him as irascible, quick to resent any slight upon the honour of his army, but perfectly cool at moments of crisis. Meade was a master of 'logistics'. 'If Meade says a certain movement of troops should be made, Grant makes it almost as a matter of course.' He also displayed rare moral courage in refusing to fight when there was no reasonable prospect of success. He cared nothing for public opinion and ignored the press. Grant's staff courted the war correspondents. Hence the credit for success was ascribed to Grant, the responsibility for failure put upon Meade. Lyman is especially severe upon Sheridan and his methods of self-advertisement. He consequently does him and his cavalry less than justice and withholds from him the credit he deserved for the victory at Five Forks. W. B. W.

It is difficult to see for what class of readers *The Romance of the Law Merchant* (London: Sweet & Maxwell, 1923), by W. A. Bewes, is intended. It is too technical and too disorderly in arrangement for the general reader, too remote in interest for the practising lawyer in commercial cases, and too uncritical for the historical student. Mr. Bewes has a thesis

to maintain, the Oriental origin of merchant law, and if he had more strictly confined himself to this and had really succeeded in establishing an affiliation, if only a partial one, he would have produced a more useful book. As it is, he gives very interesting parallels, especially from Moham-medan law, but himself warns us in specific cases that they may only be parallels. The book is largely a *cento* of quotations from writers of very different dates and degrees of authority, with little or no discrimination between them, and such a statement as that 'Alfred directed that alien merchants should come only to the four fairs of London, York, Bristol, and Winchester and remain no more than forty days' (p. 132) does not inspire much confidence.

J. T.

Unobtrusively, in a foot-note to his careful article, 'Notes on the History of the Leadenhall, 1195-1488', Mr. A. H. Thomas points out that two letters of 1393 written by the famous Sir John Hawkwood, and there printed for the first time, are the earliest known private letters extant in the English language. As Mr. Thomas says, their contents make in effect a nuncupative will. Philologically the most interesting point in them is the unrecorded form 'bihufthe' (for 'behoof'), akin to 'behouft' which occurs in a document of 1573 in the muniments of Brasenose College, Oxford.¹ The letters constitute the most striking discovery in an article which shows Mr. Thomas's great skill in using the city records and the national records which throw light on them. The remaining contents of the thirteenth volume of the *London Topographical Record* (London, 1923), in which it appears, reach the high standard which the London Topographical Society has taught us to expect. Mr. H. L. Hopkinson writes on Bradstrete and on Cheapside. Mr. C. L. Kingsford gives a bundle of most interesting 'Gleanings' which illustrate not only the topography but also the social history of London. In Mr. A. T. Bolton's article on 'The Pantheon in the Oxford Road' we notice one or two slips: on p. 64 he speaks of 'Madame Corneilly's Rooms in Soho Square' as if he were unaware that they were the same as the Carlisle House mentioned on p. 57. Throughout the little volume the illustrations are excellent.

F.

In *The First London Synagogue of the Commonwealth* (London: Spottiswoode, 1924) Mr. Wilfred S. Samuel gives an account of the earliest synagogue established in England after the return of the Jews. The fact of its existence was known through a reference to it by Pepys under date 1663, and previous writers have brought together some material relating to its earlier history. But Mr. Samuel shows for the first time that it was established in Creechurch Lane as early as 1657, and that it was not, as some have supposed, a 'secret' synagogue. The lease of the building was actually acquired by Antonio Carvajal on 19 December 1656, within a few months of the grant of the petition of the Jews for leave to hold services. Mr. Samuel has collected from various sources much interesting information as to the early history of the Jews in the neighbourhood of St. Katherine Creechurch. He gives the earlier history of the house

¹ This information has kindly been supplied by Mr. C. T. Onions, an editor of the *Oxford English Dictionary*.

acquired by Carvajal, and describes the alterations made to adapt it to its new purposes. Good use is made of the Churchwardens' Accounts of the parish and of the evidence afforded by contemporary maps. Apart from the interest of its subject to the Jewish community it is a useful contribution to London topography. The book is excellently illustrated, and Mr. M. N. Castello has supplied plans of the building and site.

C. L. K.

Collections of printed material for the history of churches of secular canons are fairly abundant, but few writers take the trouble to explain their complicated details intelligibly. The Rev. A. T. Bannister has used his exceptional knowledge of the episcopal and capitular records of Hereford to good purpose in a narrative, *The Cathedral Church of Hereford, its History and Constitution* (London: Society for Promoting Christian Knowledge, 1924), brief in itself, but so fortified by foot-notes and appendixes that it should be of service as a helpful introduction to the general system of which the church of Hereford is a particular, if not a very conspicuous, example. If the commentary is noticeably in excess of the text it is nowhere superfluous, and is written with a clearness which leaves nothing to be desired. References to original sources are abundant, and the constitutional documents of other cathedral churches have been consulted for illustrations and parallels. In this direction Mr. Bannister's researches, to judge from certain omissions, have not been exhaustive, but for his immediate purpose they have been at any rate adequate. His occasional notes on the architectural history of the church remind us that this, like that of several other English cathedrals, stands in need of scientific revision. He rightly rejects hasty inferences from William of Malmesbury's loose statement that Robert Losinga planned his church 'tereti scemate Aquensem basilicam pro modo imitatus suo'; but his emphatic attribution of the present north transept to the episcopate of Peter of Aigueblanche is not satisfactorily borne out by the documentary evidence on which it is made to depend, nor justified by the presence of any genuinely foreign element in its architecture. The post-Reformation statutes are well summarized, but without the amount of annotation devoted to the earlier customs, and a note on p. 89 that the statutes of 1583 assume that residentiary canons would be selected only from the prebendaries points to some confusion of ideas. Mr. Bannister is so careful of his Latin that it is strange to find him more than once falling into the common error of speaking of collation 'to' a prebend. It may be noted also that the benefice for which William Bermingham was induced to exchange the deanery was not 'a parish in Lincolnshire' (p. 79), but the church of Berkswell in Warwickshire.

A. H. T.

Mr. H. Harold Hughes and Mr. Herbert L. North, who now publish a book on *The Old Churches of Snowdonia* (Bangor: Jarvis and Foster, 1924), are the authors of *The Old Churches of Arllechwedd*, published eighteen years ago. Their new work contains careful accounts of the ecclesiastical buildings of the old rural deaneries of Arllechwedd and Arvon, with the addition of the monastic churches of Penmon and Ynys Seiriol in Anglesea

and Beddgelert in Merioneth. Apart from Bangor Cathedral, the fine church of Clynnog Fawr, and some features at Conway and Beddgelert, the architecture of these buildings is primitive; but they afford interesting peculiarities of plan, especially in the enlargement of aisleless churches by the construction of transeptal chapels adjoining the chancel, sometimes, as at Llangelynnin, of disproportionate size. Numerous small-scale plans, with hatching to indicate the work of different periods, are inserted in the text, and the photographic illustrations are excellent, including good pictures of rood-screens and a clear reproduction of two leaves from the Pontifical of Bishop Anian at Bangor. The authors have spared no pains in detailed description, and their work, with its accounts and plans of holy wells and occasionally of houses, such as the ruined palace at Gogarth, forms a useful handbook to the antiquities of the district. Its historical notes are somewhat slight. In an enumeration of the chief pieces of monastic architecture in Wales (p. 37) St. Davids and Llandaff should not be included. It is also hardly true to say (p. 263) that the portioners of a church like Clynnog Fawr were resident: such evidence as we have from Clynnog itself points to the contrary.

A. H. T.

Mr. Charles Cotton's contribution to a recent anniversary, *The Grey Friars of Canterbury, 1224 to 1538*, 'British Society of Franciscan Studies', extra series, vol. ii (Manchester: University Press, 1924), is an excellent study in topography. With the aid of good plans and maps he is able to describe in detail the establishment of his Grey Friars and the extensions of their precincts on the islands between the various branches of the Stour. He depends in the main upon deeds and registers in the cathedral archives, but he has cast his net wide and handles his material with scholarly competence. The essay will be useful to everybody who has occasion to study his topography of medieval Canterbury, and will, we hope, be taken as a model for similar work elsewhere. Mr. Cotton does his best with the meagre history of the friary. He has collected as much information as is available upon the wardens and benefactors, and has added a helpful appendix of extracts from wills; it is not his fault that the main interest of the volume lies in the description of the houses and meadows between St. Peter's Street and Stour Street. As one reads this story of a humble house of thirty or forty people, and remembers that Mr. Little estimates the total number of Franciscans in England at 2,000, one realizes afresh the importance of detailed work like Mr. Cotton's as a correction of the wild, but deep-rooted, generalizations which are current.

F. M. P.

The Unitarian Theological College at Manchester has an interesting library of 15,000 volumes, derived from many sources and containing many old letters and also books to which a personal interest attaches. It has also an enthusiastic librarian, the Rev. H. M. McLachlan, who is at home in the history of his denomination, and in his book, *The Story of a Non-conformist Library* (Manchester: University Press; London: Longmans, 1924), he has made its stores the peg on which to hang interesting and discursive accounts of the men and the controversies of the seventeenth

and eighteenth centuries. Perhaps the most attractive chapter is that entitled 'Liberal Dissent a Hundred Years Ago'. It draws on the very frank letters which have been collected in the library, and describes the fortunes of ministers and the character of congregations from the minister's point of view. In spite of the change in doctrine, it is remarkable how true these Unitarians were to the type of their Presbyterian fathers. The book is worthy to be read by those who wish for a detailed knowledge of some aspect of the thought and politics of its period. E. W. W.

In *Une Vie de Cité : Paris de sa Naissance à nos Jours* (Paris : Picard, 1924) M. Marcel Poëte, who is director of the 'Institut d'Histoire, de Géographie et d'Économie Urbaines de Paris', deals with the history of the French capital from the earliest times to the middle of the fifteenth century. Among the most interesting of the topics treated by M. Poëte are his account of Roman Paris ; religious education in the time of the Carolingians ; the Hansa of the Water Merchants in the twelfth century ; student life in the thirteenth century ; the rise of the fourteenth-century *bourgeoisie* and the changes produced in Paris by the Hundred Years' war. This voluminous and scholarly volume will be of the greatest service to students of the medieval period, but they are sure to regret the lack of an index and the absence of foot-notes and references, although M. Poëte discusses the main sources of his work in his Introduction. A plan of Paris is to be found in a pocket at the end of the volume. This is taken from a map dating from the middle of the sixteenth century, when Paris still retained her medieval aspect to a very large extent. C. E. M.

On 28 May 1923 Professor C. M. Andrews gave an address on *Connecticut's Place in Colonial History* (New Haven : Yale University Press, 1924) to the Connecticut Society of Colonial Wars. Mr. Andrews is perhaps the highest living authority on his particular subject, and his treatment of it, within the limited space at his command, must be described as masterly. H. E. E.

A small volume on *The Pennsylvania Germans* by J. L. Rosenberger (University of Chicago Press, 1923) shows by description and photographs an astonishing persistence of religious faith, manners, and even costume, among the descendants of the Mennonites who emigrated to Pennsylvania in the early eighteenth century. G.

Amongst the less familiar classics of Indian history is A. K. Forbes's *Rās Mālā*, of which few perhaps have heard nowadays except professed students of Gujarat, and of which Mr. H. G. Rawlinson has now edited a reprint in two volumes (London : Milford, 1924). It cannot rank with the works of Grant Duff or Tod, but it is of much the same type. It was composed by a man who knew intimately the province of which he was writing, and it was based on the legends, ballads, and traditions of the people. It is uncritical ; but all Indian history was uncritical in the middle of the nineteenth century when Forbes flourished. Its interest is mainly local ; the chronicles which the author strung together into a garland

(as the title signifies) are little concerned with the great figures of Indian history, and indeed rarely look beyond the province of Gujarat itself. The *Rās Mālā* is not therefore a work of prime importance to the student of Indian history; but it is a very picturesque account of the Rajputs in Gujarat, abounding in local colour, enriched with accounts of local superstitions and beliefs, and, like the *Annals of Rajasthan*, preserving many old traditions which but for the accidental interest which a servant of the Company took in them might have been lost for ever. The editor, who perhaps rates his author too highly, has done his work thoroughly, adding many notes and references, which will increase Forbes's value to the modern reader.

H. H. D.

The first edition of Professor G. von Below's *Die Deutsche Geschichtschreibung von den Befreiungskriegen bis zu unseren Tagen* appeared in 1916, and found a grateful welcome. It approached its subject from a starting-point different from and complementary to that of the works of Dr. Fueter and other writers, whose main purpose was to describe and assess the value of the writings of German historians. In the new edition (Munich: Oldenbourg, 1924), which is almost double the size, this difference is still more pronounced; and indeed it would be more correct to reverse the order of the nouns in the sub-title, *Geschichtschreibung und Geschichtsauffassung*. For it is above all a study of ideas, an inquiry into the spiritual foundations on which the great historians of the nineteenth century have built their imposing structures. The author's main thesis, which runs like a scarlet thread through his chapters, is that German historiography in its widest ramifications is essentially the child of the romantic movement, which killed the unhistorical rationalism of the eighteenth century and connected past and present by revealing the organic nature of human development. The first half of the volume deals with Ranke, his pupils and his critics, while the later chapters emphasize the growth of political and economic history in the closing decades of the century. The book requires and deserves careful study, for it is packed with knowledge and thought.

G. P. G.

Dr. Victor Loewe, of the State Archives at Breslau, has published in *Das Deutsche Archivwesen: seine Geschichte und Organisation* (Breslau: Priebatsch, 1921) a useful little summary. As its name implies, the book is not intended to furnish for the historian a guide to German archives, their contents and publications, though it does incidentally supply him with a number of indications: it is meant rather to give the archivist notes in a handy form upon the history of the various administrations whose activities produced the existing bodies of public archives, the history of the archives themselves, the legislation which has affected them, their location, and the stage they have reached in the matter of inventories. It is particularly useful for the numerous references in text and foot-notes, to special articles and notes which have appeared in the *Archivalische Zeitschrift*, the *Preussische Jahrbücher*, and similar publications, not to mention larger works, in which respect it acts as a kind of bibliographical *état par fonds* for Germany. We feel bound to say that

the archivist as well as the historian (especially the foreign archivist) might have found the book more helpful for the addition of a little extra information concerning the more important series of records in the different repositories and their dates, even if this had resulted in the cutting down of other parts of the work. But one must not ask too much of 130 pages. The book deals mainly with state and town archives (the latter dismissed, as a rule, rather briefly). Starting with an introduction it passes to a description of the ways in which the political situation at different periods in German history has affected the possibility of a general *Reichsarchiv*, concluding with the establishment of that which owes to the post-war régime its seat 'in the imposing buildings of the former War School at Potsdam', concerning which the author is perhaps not unduly enthusiastic. It then goes on to deal in turn with Prussian archives, central and provincial (the latter including those of Posen and the 'Hohenzollernschen Haus- und Domänen Archiv' at Sigmaringen); with Bavarian archives, central and for the district governments; and more shortly, but on the same lines, with the state archives of Württemberg, Hesse-Darmstadt, Baden, Alsace-Lorraine, the free state of Saxony, the Thuringian and north German lands, and the Hansa towns (Hamburg, Bremen, and Lübeck). In one or two places, it will be observed, we have here an echo of the Versailles Treaty; and the author devotes his last seventeen pages to the archives of German Austria. The point of view can be understood, and is perhaps useful (certainly so to German workers), though not quite strictly scientific. We in this country have still to look forward to the time when we shall have unified organization and control of all archives of a public nature; if, or when, that is established we shall probably proceed on lines of our own (indeed the difference of conditions here from those in Germany, Belgium, or even France make it very proper that we should do so); but we need all possible materials for the study of what has been done or is being done abroad, and may accordingly be grateful for such works as the present.

H. J.

CORRIGENDUM IN THE OCTOBER NUMBER

P. 623, l. 27. *for fourteen read thirteen*

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The Site of the Battle of Maldon

ALTHOUGH more written information has been handed down to modern times about the battle of Maldon than about any other battle in England before Hastings, yet the accounts of it are full of difficulties and unsolved problems. Among these the exact identification of the site is not the least. None of the prose chronicles supplies any evidence on the point. The terse records of the Anglo-Saxon Chronicle and of its imitations give no further clue than the phrase 'near Maldon', and the local monastic histories, though abounding in fanciful details, afford no further real information. There remains, however, the poetic fragment which supplies what has been universally accepted as a contemporary and authentic account of the battle. Unfortunately, the poet gives little description of the ground, and mentions no natural features which locate the battle-field on a definite spot. In order to arrive at some idea of the position of the site, it is necessary, therefore, to piece together fragments of information given casually in phrases here and there.

With one exception these phrases all occur in the description of the first phase of the struggle and are found between lines 25 and 99. They are as follows :

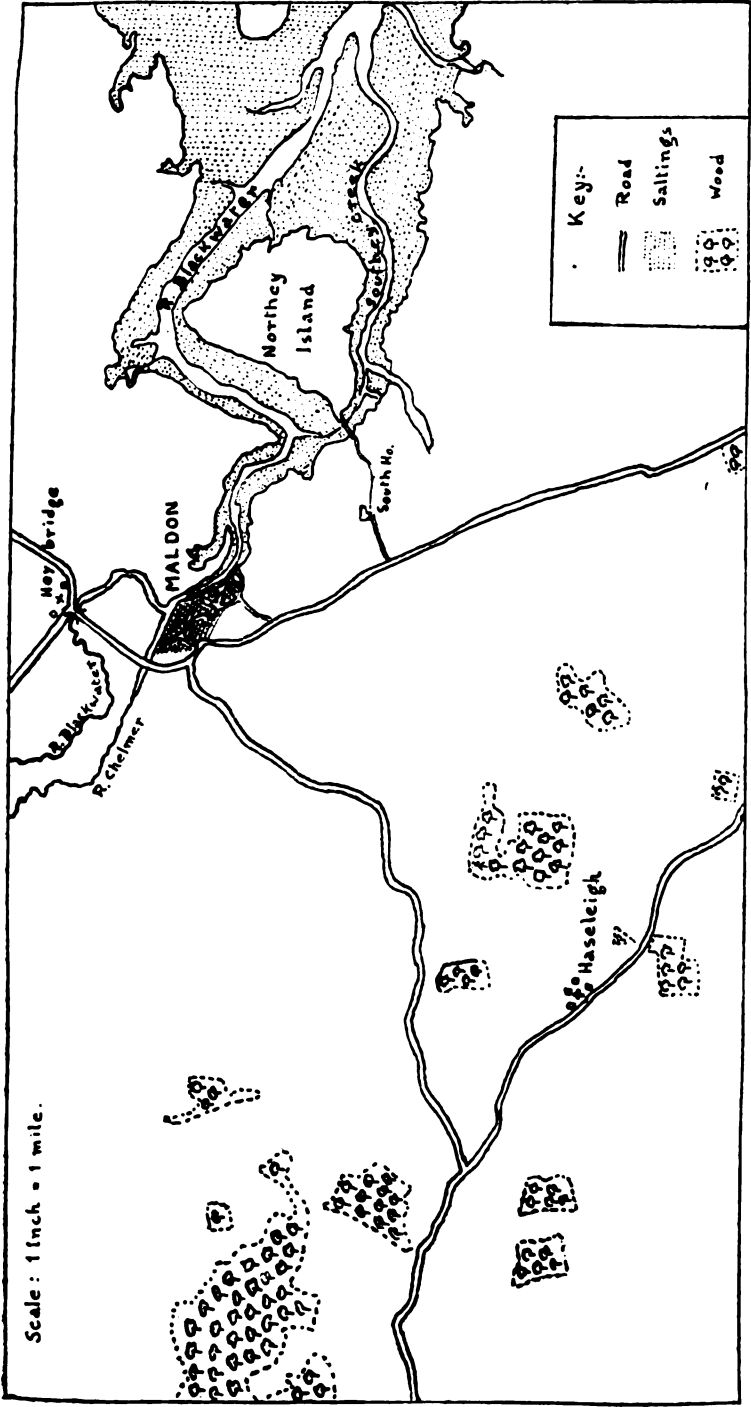
- (i) Ðā stōd on stæpe . . . wicinga ār. (25)
- (ii) Ðær hē on ðfre stōd. (28)
- (iii) Nū gē þus feor hider / on ūrne eard in becōmon. (57-8)
- (iv) Hī on þām ēa-stepe ealle stōdon. (63)
- (v) Ðær cōm flōwende flōd æfter ebban, / lucon lagu-strēamas. (65-6)
- (vi) Hī þær Pantan strēam mid prasse bestōdon. (68)
- (vii) Se flōd ūt gewāt. (72)
- (viii) Hēt þā hælpa hlēo healdan þā bricge wigan wīg-heardne. (74-5)
- (ix) Ðone forman man mid his francan ofscēat / þe þær baldlicost on
þā bricge stōp. (77-8)
- (x) Ðā noldon æt þām forða flēam gewyrcean. (81)

- (xi) Bædon þæt hī ūp-gangan āgan mōston, / ofer þone ford faran. (87-8)
- (xii) Ogan ceallian pā ofer cald wæter. (91)
- (xiii) Wōdon pā wæl-wulfas, for wætere ne murnon. (96)
- (xiv) West ofer Pantan, / ofer scīr wæter, scyldas wēgon. (97-8)
- (xv) Wendon fram þām wige and þone wudu sōhton, flugon on þæt fæsten. (193-4)

It is clear from these that the battle took place on the banks of the Pant or Blackwater (vi and xiv) at some distance from the mouth (iii), yet at a point where the river was still tidal (v and vii). The stream was at this point narrow enough to allow the representatives of the two forces to talk to each other across it (xii). It was impassable, however, at high tide even at the bridge (vii and viii), but it seems to have been practicable at low water at a point which is sometimes termed a bridge (viii, ix) and at other times a ford (x, xi). In crossing it the pirates seem to have had to pass through the water (xiii). The direction of the crossing was westwards (xiv). Finally, there was a wood in which the fugitives from the battle might seek shelter (xv). It should be noted that no allusion is made to the town of Maldon or to its possibilities of refuge. The words 'flugon on þæt fæsten' are a mere parallelism and do not refer to the town.

The account of the defence of the narrow passage by Wulfstan and his two supporters, partly by its own merit and partly by its general resemblance to the well-known Roman story of Horatius Cocles, made such an impression on Freeman and others that, ignoring every other piece of evidence, they chose as the scene of the struggle a bridge over the Blackwater at a village not far from Maldon known as Heybridge. This mistaken identification has never been impugned, in spite of its incompatibility with the existing evidence, and the purpose of the present article is to point out where this old theory went against the facts and to suggest a new position which may seem more in accordance with the words of the poet.

Before discussing the battle-site in detail, it may be as well to give a general description of the district in which the struggle took place. The town of Maldon is situated in the valley of the Blackwater. The surrounding country is for the most part flat and dreary and but little raised above the level of the sea. North of the town the flatness is unbroken, but to the west and south there lies an isolated mass of irregular high ground which sends out a long, low spur to the south-east to form the water-parting of the Blackwater and the Crouch. An offshoot of this spur ends in a hill, and on this hill stands Maldon. This high ground, still a region of heath and woodland, forms one of those remains of old forests which even now preserve a wild appearance amidst



THE MALDON DISTRICT.

the general orderliness of modern cultivation. To judge from the place-names, it must have been from the earliest times one of the nuclei of the great forest of Essex. North of the wooded high ground run the two streams, the Chelmer and the Blackwater, which join at the foot of the hill on which Maldon is built, to share the estuary which bears the latter's name. A mile or two above the town, the streams draw to within a short distance of each other and for some way flow in parallel courses, but on approaching the town, the Blackwater turns away northwards to make a detour before finally joining the Chelmer. Within this detour of the Blackwater on the north and the Chelmer on the south lies some flat alluvial ground about half a square mile in area, forming a sort of peninsula between the streams. Man's agency has effected great changes in the courses of the streams here, but it is still possible to see that the rivers at this stretch were contained by their banks. The influence of the tide is felt in the Chelmer as far as Beeleigh, three-quarters of a mile above Maldon, and in the Blackwater to slightly beyond Heybridge. The rivers change in aspect as they flow together and pass the town. Here the estuary proper begins. Originally a drowned valley, it consists of a main channel of some depth bordered on either side by strips of marsh known locally as 'saltings'. These saltings vary in breadth up to a maximum of about a mile, and here and there they are cut by small channels known as creeks. At high tide they are covered, but at low water they are bare mud flats. Slight elevations of the surface of the marsh give rise here and there to low, desolate islands. Such, roughly, is the country around Maldon as it exists to-day. Topographical changes have no doubt occurred, among which is deforestation especially of the high ground to the west of Maldon, but it may be doubted whether they have been so great as to cause any important difference between the more permanent features, such as rivers with their fords, islands, &c., and relief in general, as they now exist and as they existed in the reign of Ælfréd.

The spot chosen by Freeman as the site of the battle lies in the middle of the bend of the Blackwater at the village of Heybridge. 'The Danish ships seem to have lain in the branch (of the river) nearest to the town, and their crews seem to have occupied the space between the two streams, while Byrhtnōf came to the rescue from the north.'¹

But military considerations are wholly against this site. Viking leaders are shown by the sagas and other historical evidence to have been possessed of no little strategic skill, and they must, therefore, be credited with acting in accordance with the elementary rules of war. The exponents of the Heybridge

¹ *Norman Conquest*, i. 298.

site theory make the vikings sail up the Blackwater, lay their ships on the bank of the Chelmer just above the junction, land on the peninsula between the streams, and, on Byrhtnōp's approach from the north, advance to meet him at Heybridge. There are three comments to be made on this, bearing in mind that Maldon was a fortified town.¹ First, there must have been some difficulty and risk to the ships' crews as the flotilla sailed under the entrenchments of the town. The crowded men in undecked vessels would have made an easy target for the missiles of the town garrison. Assuming that the vikings could have passed up at night and thereby avoided this danger, their leaders would have broken one of the most important maxims of war in failing to secure a means of safe retreat. For, in case of a reverse, they might not be able to choose their time for passing the town, and the garrison would not be likely to allow a beaten enemy to escape unmolested. Moreover, if the leaders of the vikings had let their boldness get the better of their reason in this and had placed their ships in a position where they might have been entrapped, they would not have been likely to add to their errors by exposing their men to the risk of being attacked in front and rear. Had they left their ships and placed their forces in such a way as to oppose Byrhtnōp advancing from the north, the garrison of Maldon could have annihilated the guard left in charge of the ships, burnt the vessels, and then proceeded to attack the vikings in rear. And it is incredible that, had the pirates committed such a breach of generalship, the Maldon garrison should not have taken advantage of it. Yet the poem mentions no sally or diversion from the town. To this may be added the fact that the pirates had no motive for the rashness which is attributed to them.

These objections are supported by strong topographical arguments. According to the poem, the two armies came face to face across the river just as the tide was coming in. They were then obliged to wait, though with impatience (lines 66-7), until it went out again. The delay can hardly have been for less than an hour and may easily have been for five or six. Besides, when the crossing became practicable, Byrhtnōp's defence of the passage postponed the battle for some time longer, thus protracting the delay. If the time during which the two impatient armies were separated by the stream is reckoned at its minimum of one and a half hours, there would have been more than enough time for one or both forces to march up-stream for a short distance from Heybridge and cross at a shallow non-tidal point in the stream. Such a point would have been only a few hundred yards from the Heybridge site. A short time would have sufficed

¹ See Chron. MS. A 920.

for the pirates to discover this, while Byrhtnoþ or some of his men must have known of it all along. Then again, the poet says that the vikings crossed westwards over the river (97). At Heybridge the direction of crossing would be northwards. A definite statement such as the poet has made here cannot be ignored, and no site can be accepted which does not afford a westward passage over the stream. Hence it seems impossible to accept Heybridge as the site of the battle.

Why, in spite of all these objections, did Freeman and others choose Heybridge as the battle-field? The answer is that the only old bridge in the neighbourhood existed at that place. But the bridge of the poem is a very extraordinary one, if the term 'bridge' is given its modern definition, and it has long been a difficulty to students of the *Battle of Maldon*. It had the peculiarity of being impassable at high water, for the poet says that the high tide prevented the opposing forces from engaging except by means of arrows shot across the stream. But at last the tide went out :

Se flōd ūt gewāt ; þā flotan stōdon gearowe,
wicinga fela, wiges georne. (72-3)

The vikings prepared to attack, and Byrhtnoþ, whose first plan was to oppose the crossing, now for the first time found it necessary to detail men to hold the bridge (74). When the enemy advanced, Wulfstan, the leader of the bridge-guards, struck down the first man who stepped forward on the bridge (77-8). But in the very next sentence describing Wulfstan's supporters, the passage is termed a ford :

Ælfhere and Maccus, mōdige twēgen,
þā nōldon æt þām forda flēam gewyrcan. (80-1)

And, later, after the pirates have failed to force a passage, they ask Byrhtnoþ to allow them to cross the ford :

Bædon þæt hī up-gangan āgan mōston,
ofer þone ford faran, fēpan lædan. (87-8)

The poet himself, therefore, calls the crossing a bridge at one time and a ford at another.

Two explanations of this confusion of terms have been offered, but neither is satisfactory, because they both aim at explaining away the difficulty caused by adopting the Heybridge site rather than at explaining the words of the poet. The first is that, failing to force a way over the bridge, the vikings marched up-stream to a shallow point in the stream where their passage would not be restricted by a defile. The author of this had realized one of the topographical arguments used above against the Heybridge site, but his explanation will not do, for the word

'ford' is used of the passage defended by Wulfstan, Ælfhere, and Maccus, and, besides, there is no hint in the poem of an up-stream march by either of the forces. The second is that of Professor Sedgefield, who imagined a bridge which 'spanned only the deep permanent channel in the middle of the river, leaving at either end a space exposed at low tide but submerged at high tide'.¹ Such a type of bridge is, to say the least, uncommon, and that it should exist on the Maldon-Colchester road is perhaps still more extraordinary. The frequent references to bridges and the many clauses making provision for their repair and upkeep which occur in the charters prove that the English were very careful about these structures, and it is incredible that they should have erected such an inconvenient form of bridge on an important highway. Moreover, the ground near Heybridge does not favour the existence of such a bridge at any time. In fact, these attempts at reconciling 'bridge' and 'ford' serve only to illustrate the objections to the Heybridge site and to emphasize the unsuitability of a bridge to at least a part of the narrative of the poem.

The only details of the story which suit a bridge would suit any form of narrow passage. The phrase 'on þā bricege stōp' (78) may seem an exception if the words are taken in their modern sense; but two of the words, namely, 'in' and 'bricege', may not be intended to have the meanings which they would have to-day in the sentence 'he stepped on the bridge'. In Old English the preposition 'on' could mean 'in', 'into', 'among', as well as 'on', 'on to'; and it frequently did bear this meaning. To quote examples from *Maldon*: 'flugon on þæt fæsten' (194), 'nū gē þus feor hider on ūrne eard in becōmon' (57-8), 'hē wæs on geþrang hyra þrēora bana' (299), 'on here cringan' (292). Hence, it is impossible to argue from the modern meaning of the preposition, and whether it means 'on' ('on to') or 'in' ('into') depends on the meaning of 'bricege'. The meaning of this term will be discussed later.

While none of the details are very well suited to the construction known as a bridge in modern English, some of them would be definitely unsuitable to such a construction. There is, first, the fact that the so-called bridge was impracticable at flood-tide. Then, the poet says that the vikings, in urging Byrhtnōþ to let them cross unhindered, begged for something termed 'ūp-ganga'. The meaning of this word is doubtful, as it is a hapax legomenon, and editors have translated it in various ways. By examining the component parts it is seen that it must have something to do with a going up ('ūp' = up; 'gang' = going), or ascent. That this is the meaning is confirmed by the existence of the variant form 'ūp-gang' which occurs in Ælfred's translation of Bede with the

¹ *Battle of Maldon*, p. 35, n. 70.

meaning of 'rising' of the sun ('þæt is from hēannisse þære winterlecan sunnan ūp-gonges'), and in the Chronicle, MS. E, under the year 1009 with the meaning of 'way up' ('Ðā æfter middan wintra hī nāmon þā ænne ūp-gang ūt þurh Ciltern'). Now, it is not usual for bridges to afford a way up on to the river bank; they provide a level crossing or, perhaps in the majority of cases, they lead down to the bank from their arches. 'Up-ganga' would therefore rather suit some other means of crossing which ended in an ascent of the river bank.

Moreover, when the crossing of the stream is described, the vikings are said not to have cared for the water. The function of a bridge, however, is to provide a dry way across the water; hence, the remark that the vikings cared not for the water is a pointless one if they passed over by a bridge. Again, the phrase 'they bore their shields to land' ('lid-men tō lande linde bāeron,' 99) implies that they were in the water for the crossing. Hence, it seems as if the means by which the vikings crossed the stream was more in the nature of a ford than of a bridge.

To understand why the poet apparently confuses a ford with a bridge it is necessary to examine the meanings of the two words. As far back as the word can be traced in English, 'ford' seems to have had the same meaning that it now bears. With 'bridge' it is different. The earliest form of bridge would probably be a row of stepping-stones across a ford, and Bosworth-Toller quotes passages which show that the word 'bricg' could be applied to a paved way of stones or planks placed on mud. Thus, 'Sē þe þāra mihta hæbbe . . . gōdige Godes cyrican . . . and gōdige folces fær mid bricgum ofer dēope wæteru and ofer fūle wegas'.¹ And, 'Wyrcean wē simle brycge and on þā bētan. Ðeah se man nime ænne stān and lecge on fūl slōh, þæt se ælmesman mæge mid þām ōprum fēt steppan on þā clānan healfe, þæt biþ him micel mēd for Gode'.² This idea of the bridge as a means of clean, dry crossing lying on or in the mud or water from which it protected the passenger is shown as clearly in the derivative verbs. In other words, a hollow space below to allow the passage of water did not form part of the connotation of the term. To the cognate verb 'brycgian' Bosworth-Toller gives the meaning 'to make a causeway with planks or stones', quoting in support among others the following: 'brycgap' = 'calabit';³ 'þe children briggeden þe wei mid hera cloþes'.⁴ Similarly, the perfective verb 'gebrycgian' means 'to bridge a road, cover with planks, stones, &c., so as to make it passable'; e. g. 'se weg wæs mid pællum gebricgod'.⁵ Turning to parallels in other Teutonic languages, one finds that

¹ *Ll. Th.* ii. 282. 10.² *Wlfst.* 239. 9.³ *Wrt. Voc.* ii. 127.⁴ *O. E. Homil.* ii. 91. 5.⁵ *Homil. Th.* ii. 186. 34.

Skeat in his *Etymological Dictionary* gives 'bridge' as a diminutive of a simplex which appears in the O. Swed. 'bro' = 'a bridge, paved way'; and in the Danish 'bro' = 'a bridge, pavement'. The Danish 'brygge', which is a parallel form to the English 'brycg', means a pier. Hence, it appears that there is no reason why the Maldon poet should not have intended a causeway or a bridge of stepping-stones. This is the sense in which Mr. A. J. Wyatt has taken the word.¹ Dialectally this use of the word is still common in English, and the *Oxford English Dictionary* (s. v: 'bridge' 4) gives as one of the meanings 'a narrow ridge of rock, sand, or shingle, across the bottom of a channel', and quotes in support, among others, the following passage from the *Examiner* of 14 September 1812 (590/2): 'It is proposed to construct a pier on the bridge between St. Nicholas and Mount Edgecombe'.

If the word 'bricg' means some form of paved way across the stream, the contradiction between 'ford' and 'bricg' is not so great, and indeed disappears altogether if during flood-tide the paved way was submerged. Under such circumstances the poet might well think at one moment of the passage as a ford and at another as a bridge, the two terms denoting different species of the same thing, i. e. a crossing. It can be shown from other lines in the poem that the Maldon poet often confuses terms which denote different species of the same class. Thus, he applies the terms 'gār' and 'darop' to the same weapon, and uses the names 'mēce' and 'swurd' of an arm which is obviously a seax.² Hence, there is nothing strange in his apparent confusion of the terms 'bricg' and 'ford'. Moreover, a low, paved causeway submerged by the tide suits the poet's description perfectly. It may be supposed that the impatient vikings would not wait for the complete baring of the causeway, but would attempt to cross as soon as the ebbing of the tide allowed them to wade across and at the same time engage the defenders without too great a handicap from the depth of the water.

After this explanation, the necessity for the existence of a bridge on the site of the battle disappears; in fact, if the presence of a bridge in 991 can be demonstrated, the spot would *ipso facto* be precluded from being accepted as the site. What, therefore, was Freeman's sole argument in favour of the Heybridge site now becomes an insuperable objection to it. Hence, the destructive arguments against that site may be regarded as complete, and it will now be possible to proceed to offer an alternative position.

Since the military and topographical arguments are as cogent in opposition to any spot above the junction of the streams as to

¹ See *An A.-S. Reader*, piece xxxiv, n. 83, p. 280.

² See *Mod. Lang. Rev.* xix. 406.

the Heybridge site, it seems that the battle-field must be sought below the town. From the confluence of the streams downwards, however, the estuary is unfordable at any state of the tide, and the breadth soon becomes too great to allow conversation across the water. The crossing could not have taken place over the main stream here. 'But about a mile and three-quarters down the river from Maldon lies Northey, one of the low islands described above. It is triangular in shape with its apex pointing south-west. The main Blackwater stream flows round the north end, separating from the mainland most of the north-western side and the whole of the north-eastern. The rest of the north-western side is bounded by saltings with a small unnamed creek, or subsidiary stream, flowing through them. The south side is cut off from the shore by other saltings and a large creek, known as Southey Creek. The two creeks mentioned begin at the same point at the south-western apex of the island, and their beds slope away in opposite directions. From the south-western apex runs a causeway with a westerly course, joining the island to the mainland. Geographical considerations suggest that the causeway is merely an addition to a natural ridge which from earliest times must have afforded a passage to the island and would soon have been made more useful by the addition of a few stones to bridge the mud. At low water the causeway is exposed, but at high tide even the present-day construction, enlarged to allow the passage of vehicles, is submerged. The low path of stones intended to serve merely as a firm footing, such as is often seen in East Anglia, and such as must have existed here in 991, would have been quite impassable at high tide.

Such is the ground which is suggested as the scene of the battle of Maldon. Hardly further from the town than the Heybridge site, it is not only free from all the military and topographical objections, but fits in perfectly with the poet's account of the battle. From a strategic point of view, the island of Northey formed an admirable base for future operations of the vikings against Maldon. Safe from a sudden attack and capable of being held by a small body of men, it was such a place as the Northmen loved to lay their ships up in, and its position allowed their sudden landing at any point on the extensive northern and southern shores of the river to bring off one of their flying raids. Their retreat was safe, in the meantime, and nothing short of the appearance of the king's ships in the mouth of the river could prevent their escape if the necessity for flight arose.

Convincing as these special advantages of the Northey site are, it is only when the narrative of the poem is applied to it that the full extent of its suitability is apparent. This application will now be made. It may be imagined, though the picture is given

for the sake of the completeness of the story of the campaign and has no bearing on the argument as to the site of the battle, that Byrhtnoþ, alarmed by the attack on Ipswich, collected his forces and prepared to march to the next point assailed. Hearing that the vikings had entered the Blackwater, he proceeded to Maldon. Having located the enemy at Northey, he led his forces towards the causeway, hoping perhaps to surprise the enemy and gain that greatest of strategic advantages. But the Northmen were apparently on the alert and drew up on the slopes of the island facing the causeway just as Byrhtnoþ reached the opposite shore. Both armies now faced each other. At this point the Fragment takes up the story. The Northmen had conceived the plan of exacting tribute from the English, just as their predecessors had done in France and, temporarily and to a less extent, in England under Ælfred. Their first move was, therefore, to dispatch an envoy to the shore to offer conditions of peace. Hailing the English across the causeway, a distance of some eighty yards and easily shouted across, the envoy addressed to Byrhtnoþ the vikings' terms. But the old ealdorman was one of the stoutest hearts in England and rejected the humiliating offer in the way it deserved. 'Return', said he, 'to your people and tell them that we shall pay our tribute not in gold, but in steel.' Enraged at this answer, the Northmen advanced to the causeway, and Byrhtnoþ on his side closed up his forces on the passage.

Meanwhile, the tide had been rising. The flood waters advancing up Southey Creek and at the same time up the unnamed creek opposite met at the causeway: 'the water-streams locked together,' as the poet says (66). This phrase, pointless when used of any other part of the river, acquires a new significance under this interpretation and becomes highly descriptive of what actually happens at Northey causeway when the tide rises.¹ It was now impossible to cross the stream, and the two armies looked at each other from opposite banks, unable to harm each other except by long shots with bow and arrow (70-1). The impatience of the men on both sides was great (66-7), but there was no way of avoiding delay. It was impossible to march round the tidal portion of the river, and the only solution of the stalemate was to wait for the ebbing of the tide.

At length the tide began to go out (72). The vikings stood ready, eager for battle (72-3), and prepared to rush the passage. This passage was a bridge in respect of the treacherous mud at its sides, but a ford in the sense that it was not yet exposed by the ebbing tide. At the present day the causeway, which is now

¹ The present writer had always regarded 'lucon lagu-strēamas' as a somewhat vague poetic expression until he sat on the river bank opposite Northey and watched the tide come in.

used by vehicles, is some eight feet wide and could easily be held by three resolute men. In 991 it was probably narrower, as it would have been used only by foot-passengers, and the task of holding it would have been far easier. Byrhtnōþ, on seeing the vikings advance, instinctively arranged to hold the passage, and stationed there for the purpose a warrior of known valour, Wulfstan, with two others, Ælfhere and Maccus, to help him (74–80). Wulfstan struck down with his spear the first Northman who dared advance on the causeway (77–8), and he and his supporters fought so bravely and so skilfully that the enemy were unable to force a passage (81–5).

The matter had now returned to the former condition of stalemate. But both sides were eager to fight, and neither side could gain any advantage by delay. The English leader, too, whether through exultation at the check administered to the enemy or through an over-confidence natural to his character, was anxious to meet the foe on even terms. It must be remembered that the English, from Wedmore up to Maldon, had been accustomed to do more than hold their own against the Northmen. It was only after Maldon that they lost their morale. Accordingly, when the vikings suggested his withdrawal in order that they might cross the stream (87–8), he agreed and withdrew his forces to the rising ground in his rear, taking up a position, we may suppose, somewhere on the road that now leads from the causeway to South House. The vikings immediately rushed westwards (97) across the still submerged causeway, caring not for the water (96). It was in the month of August, and the poet could hardly have meant that these seamen were not afraid of wet breeches, for he is not given to pointless remarks. What he probably meant was that they rushed across, even passing through the deeper water and mud at the side of the causeway in their anxiety to get the crossing over lest Byrhtnōþ should attack them as they crossed. No such unchivalrous thought seems to have occurred to Byrhtnōþ, however, and he let them cross the creek and the marshy strip beyond it and draw up their forces on the firm ground opposite the English.

Again the two armies faced each other, but this time there was no sundering stream between them. The solemn moment had now arrived, the prelude to the fight. It is unnecessary for the present purpose to follow the incidents of the struggle which ensued, and the story may be picked up again at the fall of Byrhtnōþ and the flight of the cowards. The line of flight chosen by the cowardly sons of Odda is indicated by the poet in the following terms :

Wendon fram þām wige and þone wudu sōhton,
flugon on þæt fæsten, and hyra fēore burgon. (193–4)

His words are significant and in logical sequence : they made for that forest (' þone wudu sōhton '), they reached it (' flugon on þæt fæsten '), and they were then safe (' and hyra fēore burgon '). Now, the obvious line of retreat of fugitives from a battle at South House would be in a south-westerly direction towards the village of Hazeleigh. But the poet seems to have a definite forest in mind when he uses the words ' þone wudu sōhton '. Whether ' þone ' is merely a definite article or is a demonstrative adjective, it points out in either case a definite wood. All through the poem the author, in the usual Old English manner, has assumed that his audience knows all the details of his narrative, and he often contents himself with the merest allusions to persons, e.g. ' Offan mæg ', ' Gaddes mæg ', and to things about which the modern reader would wish to hear more. It may be assumed, therefore, that this wood near Maldon was one which the men of Essex would readily understand to be indicated by the phrase ' þone wudu '. Such a forest existed on the high ground west of Maldon, as has already been said, and along the spur which continued the wooded area south-west of the battle-field. The place-names here indicate the presence of this woodland from the earliest times and bear evidence that forests have always been a prominent feature of the region. A large wood situated rather more than two miles from South House is a remnant of the old forest. Probably in 991 the wooded area extended even nearer to the battle-field. If the fugitives took the obvious line of retreat from South House, they would consequently be making for ' that forest '. No such natural forest area exists north of Heybridge, and the fact that one exists near the Northey site is the final piece of evidence that the battle took place there.

E. D. LABORDE.

*England and the last Florentine Republic,
1527-30*

THE republican régime in Florence which Savonarola had inspired survived the reformer's death by fourteen years, based continually upon the French alliance of which his motto 'lilies should blow with lilies' was the expression. The *débâcle* of 1512 spelt, therefore, the downfall of the republic. By the end of June the French forces had been driven beyond the Alps. Two months later, after the sack of Prato, the first representatives of the exiled Medici re-entered the city, and their rule became established more securely than ever. A palliative on the one hand, and an additional bond on the other, were provided by the intimate connexion of the city with the curia under the two Medicean popes, Leo X and Clement VII, successively heads of their family and ultimate rulers of Florence. But on 6 May 1527 the power of Clement was shattered by the sack of Rome at the hands of the imperial troops. Revolutionary ardour, long latent in Florence, immediately broke out; and on 17 May the pope's representatives left the city, without bloodshed, to the enjoyment of its liberty.¹

The hazards of foreign politics had cast the Florentines, at this juncture, into a sort of alliance with England. Upon the release of Francis I of France from his imprisonment after the battle of Pavia, a so-called holy league had been formed at Cognac between the pope, Venice, France, and the dispossessed duke of Milan, with the sympathy, but not formal adhesion, of Henry VIII, who became its 'protector'.² A few weeks before the revolution, Florence, which had previously been included with the pope—a mark of her dependence—had entered the league on her own account (13 April 1527). Even after the change of government, tradition and the conveniences of the moment led the city (in spite of certain fruitless advances towards

¹ For a general account of the history of Florence in this period, see Perrens, *Histoire de Florence, 1453-1531*, vol. iii; and in greater detail the contemporary Varchi, *Storia Fiorentina*. Though far from perfect these are at present the fullest accounts. From the English side the fullest guide is Friedmann, *Anne Boleyn*.

² For the precise position of England see a long note in Froude, *Henry VIII*, i. 145-6.

the imperialists) to remain faithful to a league in which the principal partner was France; and the alliance was formally confirmed, somewhat tardily, on 27 June. Under these circumstances, during the first period of the existence of the reconstituted republic, relations with England were friendly although indirect. Gregory Casale, principal English envoy in Italy, manifested a certain moderating and conciliating influence in the name of his master, Henry VIII. On the one hand, he attempted to safeguard the city in the event of attack by the imperialists, by getting the confederate generals to put their intentions towards it into writing.¹ On the other, he prevailed upon the city, when he was there in December 1527, to send two ambassadors to Lautrech, the ill-starred general of the new French expedition, and to concede his forces passage should it be insisted on.² By his request, too, plenipotentiary powers were granted to one of the two, Antonfrancesco degli Albizzi, as representative in the negotiations with the duke of Ferrara, whom it was hoped to attach to the league.³ At the same time he attempted to mediate between the city and the pope, reassuring the Florentines as to the latter's good intentions and urging them to send an ambassador to him;⁴ to which they diplomatically replied that they would do so when they saw him considered as friend by Francis and Henry, their royal patrons.⁵ In return the city professed to Casale a gratitude that was almost extravagant for his great love and good services.⁶

During this period the captivity of the pope had determined Wolsey, for more than one reason concerned in his fate, to take a more decisive part in European politics. In July he went in person on an embassy to France, to treat of matters among which this occupied a foremost position, thus indicating a more active interest in the affairs of Italy. The possibility aroused in the Florentines a livelier interest in the mutual relations. Their ambassador in France was instructed to take advantage of the cardinal's visit to interview him. He was to inform him at length of the state of military affairs in Italy, and of the extreme danger of complete disaster if reinforcement and action were not pushed forward.⁷ After the convention at Amiens, it was hoped that the ambassador's efforts would succeed in keeping him, and hence his master, attached to the cause.⁸ Nor were the methods

¹ *State Papers, Venetian*, iv, no. 120; Sanuto, *Diarii*, xlv, c. 250.

² *Letters and Papers, Henry VIII*, iv, no. 3672.

³ Reale Archivio di Stato di Firenze (excepting where otherwise stated all documents hereafter cited are from these archives), Dieci di Balìa, Legazioni e Commissarii, Istruzioni e Lettere Missive, vol. xlii, fos. 133-40. (To Casale, 26 October 1527.)

⁴ *Letters and Papers*, no. 3672.

⁵ *Ibid.* no. 3758.

⁶ Dieci, *loc. cit.*

⁷ *Ibid.* fo. 37. (To Roberto Acciaiuoli, 23 July.)

⁸ *Ibid.* fo. 73. (To Giuliano Soderini, bishop of Santes, 30 August.)

most apt for treating with him overlooked. 'Towards the cardinal of York', the ambassador was informed, 'it is necessary to be more obsequious and observant'; and his good intentions were appreciated, though the wisdom of his methods was doubted.¹ At the same time representations to a similar effect were made by the Florentine envoy at Venice to the English ambassador, showing him that something more than a benevolent attitude was necessary if the war was to be brought to a successful conclusion, and that in this might lie the salvation of Italy.²

With the lapse of time, however, the Florentines realized the necessity of more direct communication with their distant ally if any good was to come of the intercourse; and they were stimulated by the fact that the majority of the confederates were maintaining envoys at London. Antonfrancesco degli Albizzi, their 'orator' with Lautrech, was apparently the first to moot the question; and the encouragement of the various French representatives removed any hesitation which might have been felt with regard to a step which showed perhaps too great an independence of France.³ The length of the voyage, however, coupled with the plague then raging in the city (the greatest since that of 1348 celebrated by Boccaccio), argued against sending anybody expressly from Florence itself. It was therefore originally intended to choose the ambassador from among the numerous Florentine colony resident in France. Instructions were sent accordingly to Giuliano Soderini, bishop of Santes, recently appointed ambassador at Paris, for transmission to Roberto Nasi. He was to recommend the city to Henry VIII, craving his protection for it and removing any possible misconceptions about its present state. He should pay especial attention to the all-powerful cardinal 'thinking of those unguents which can be of most use' and showing him that his designs could not be fulfilled excepting in the general victory of the league.⁴

The embassy, however, was apparently never carried out. It seems that in the succeeding weeks the Florentines began to envisage the possibility of a more immediate succour. The great distance made direct military help from England in Italy out of the question. Nevertheless, a prolonged period of comparative

¹ Dieci, *loc. cit.*, fo. 34. (To bishop of Santes, 10 September 1527.)

² *Ibid.* fos. 133-40. (To Alessandro de' Pazzi, 26 October.)

³ *Ibid.* fo. 124. 'Anto Franco de Albizis oratori apud Dominum de Lautrech die xij Octobris 1527 . . . Quanto al mandare in inghilterra, habbiamo inteso tuo parere & quanto dica el Sormanno, & già ci havea facto intendere questo oratore Regio, nè prima haremo maj pensato a mandare tanto lontanj li Oratorj stando sotto l'ombra del Xmo per non mostrare d'havere la fede altrove collocata che dove si conviene, ma li bonj respectj li quali ci sono statj apertj ci ha facto risolvere a provvedere, & proveremo in qual modo che si offerirà migliore . . .'

⁴ *Ibid.* fo. 106. (To bishop of Santes, 27 September.)

peace and ostentatious magnificence had given Europe an exaggerated impression of the wealth of the country, which had been confirmed and heightened by a donative of 30,000 ducats made to the pope in the previous February. At Amiens, too, Wolsey had agreed to grant the league a subsidy for the period of three months, for the payment or extension of which Florence was continually pressing.¹ England, therefore, figured to the Florentines at this period in the very unusual light of the financier and paymaster, anticipating her role of two centuries later. Encouraged by these indications they hoped that something similar might now be repeated in favour of themselves alone. Under these circumstances the great distance and the condition of the city were no longer any bar.

Towards the end of October, accordingly, Pierfrancesco Portinari was sent to London on an important mission, with a grant of 200 ducats and a salary of three ducats daily,² and armed with the fullest credentials to Henry VIII and to Cardinal Wolsey, as well as to others about the court.³ The nature of his errand appears at length in his instructions.⁴ Ostensibly the essential part of the mission was the formal duty of recommending the city to the king, and asking him to receive it into his protection as one of his 'clients' for the conservation of its liberty and of that of the church. He was to unfold in detail the present state of Italy, with the attitude of the several powers towards the league, and its general prospects; and he was to give it as the considered opinion of his government that, in order to liberate the country, it was necessary to 'extinguish' the imperial army. There was no place, therefore, for negotiations which would not lead to agreement, or for agreements which the enemy would not observe. Only, if there was to be any treaty, the confederates should not be abandoned 'like sheep among wolves, if the guardian does not remain in Italy'. From this, Portinari was to lead up gradually and with all circumspection to his real object. A preliminary request for a subsidy had already been made through the medium of Antonfrancesco degli Albizzi and Casale. Confident that a single increased effort would result in victory, and assured of the affluence of Henry, the envoy was now to ask definitely for a donation of 60,000 ducats for his city to expend for the good of the league, which would profit thereby out of all proportion to the sum.

With this bold and optimistic errand, Portinari left the

¹ Dieci, *passim*; e.g. to Portinari and to Pazzi, 11 November (vol. xlii, fos. 176-8).

² See letter of 24 March hereafter cited.

³ Signori. Carteggio, Missive, Minutari, 1^o Canc. v. 21, fo. 118.

⁴ Dieci, *loc. cit.* fos. 136 seqq.

city on 27 October 1527. In Paris he was to confer with the bishop of Santes, the Florentine representative, who would put him in touch with conditions at the English court;¹ and he was to seek an interview with the French king, to whom he had a secret mission,² and who was to be given to understand that it was essentially for his benefit that the city was indulging in the expensive luxury of an embassy to England.³ The assurance, however, was not sufficient for Francis, who not unnaturally raised objections at the manner in which the Florentines were attempting to divert to themselves that financial assistance which might have been obtained for the league as a whole. It was obviously an invidious distinction and one calculated to prevent a renewal of the general subsidy, the period of which had drawn to an end. Very regretfully the dieci decided that it was necessary to bow to the will of their powerful patron and to cancel the principal head of Portinari's mission. All that was now left for him, besides the formal commendation of the city to Henry, was to urge upon him a continuation of his support of the confederate cause.⁴

Yet, despite the frowns of Francis, English gold still seemed very bright. It was true that the Florentines might no longer hope for a 'donative'; but they could at least request a loan. This was not included in the French king's disapproval; and, moreover, any possible displeasure could be avoided by keeping the matter a close secret, so that it should not even come to his ears. This at least seems to be what occurred. Portinari was instructed to raise what he could—two or three hundred thousand florins is the sum mentioned—for twelve years, on the security of the Florentine merchants in England; and he was not to begrudge presents to some of the persons about the court if thereby he might further his object.⁵ The ambassador arrived in England

¹ Dieci, vol. xlii, fo. 136. (To bishop of Santes, 25 October.)

² Varchi, *Storia Fiorentina*, ed. Arbib, i. 309.

³ Dieci, vol. xlii, fo. 165. (To bishop of Santes, 9 November.)

⁴ *Ibid.* vol. xliii (which, with succeeding volumes, lacks pagination), 12 December 1527: 'Et quanto a quello che scrivi esserti manchato il Capo principale della tua commissione, non possiamo rispondere altro, se non che è necessario che ci accordiamo con la voglia del X^{mo} massime essendoti quella stata data non tanto per beneficio nostro, quanto per quello di sua M^{te}. Alla quale poi che così piace, non è da farne più parola. Resta hora solamente che tu tenga bene disposto cotesto Re . . .'

⁵ *Ibid.* 2 January 1527/8: 'Come ti s'è detto per altro, la causa dell'andata tua Principale è levata via non se ne sendo contentato il X^{mo}. Et però non la metterai altrimenti ad Executione. Et quanto alla Commissione del denaro, *tu sai quanto questa città n'harebbe bisogno: che quando se ne potesse cavare qualche somma n'haremo piacere quando bene ci costasse a fare uno Donativo a chi più giudichassi a proposito, & che li denari non passassino 8 o X per cento . . .' Cf. also Varchi, *Storia Fiorentina*, i. 308-9. The version in the text is the best, but not the only, interpretation of a correspondence of which unfortunately only one side is preserved. The asterisk marks the beginning of a passage in cipher.

at the close of November ; but, owing to the continual councils, he was not able to present his credentials till 4 December,¹ when he was admitted to audience at 'Granuzi' (Greenwich). Speaking according to instructions in French or Latin (for it was not considered likely that Henry could understand Italian, or at least talk that language²), he contented himself for the occasion with thanking the king for his kindness in the past and recommending the republic to his benevolence. Henry replied in friendly terms, expressing his hope for peace in Italy and for the success of Lautrec's expedition.³ On subsequent occasions, Portinari unfolded the more intimate part of his errand. From the Florentine point of view it was simple enough. 'In truth', wrote the dieci, 'there is no other difficulty but that of the money, in which his Majesty is so abundant that he should not permit that from this enterprise . . . there should not come out the effect which is desired.'⁴

Yet, granted that their exaggerated opinions about the affluence of Henry's treasury had been true, the Florentines would have been little nearer the realization of their hopes. The condition of affairs in England was anything but favourable to them. There were two main considerations. On the one hand, the question of the divorce had come to be uppermost in Henry's mind, and in the previous July the first steps had been taken to secure it. For success in the project the goodwill of the pope was essential ; but how could the goodwill of the pope be retained if his revolted subjects (as he regarded them) were not merely tolerated but even subsidized ? A further difficulty came from the part of Wolsey, who counted little less than the king. The health of the pope was notoriously bad, and his death was frequently rumoured.⁵ The first subject in Europe, twice disappointed in his hopes of attaining the supreme dignity in Christendom, now confidently counted upon the succession. For this, however, the greatest circumspection was needed. Too little consideration for the dignity of the Holy See in the present would weaken his prospects for election to it in the future. Though in February, on a false report of the death of Clement, the English envoys in Italy were instructed to win the favour of Florence for Wolsey's candidature by giving assurances of its freedom, the adherents of the Medici were at the same time to be assured of his benevolence.⁶ It was obvious that encouragement of Florence would alienate at the very least the Medicean party

¹ Sanuto, *Diarii*, xlvii. 44.

² See the instructions to Portinari cited above.

³ Sanuto, *Diarii*, xlvii. 450 ; cf. also Dieci, vol. xliii, 2 January 1527/8, to Portinari.

⁴ *Ibid.* to same, 30 January.

⁵ Cf. *Letters and Papers*, nos. 5213, 5230, 5261, &c. ; Sanuto, *Diarii*, xlix. 375.

⁶ *Letters and Papers*, no. 5270.

in the sacred college ; and it would have been a matter of common concern had there been lost to the papacy what seemed about to become part of its permanent dependencies. Moreover, without considering the essential question of the independence of the city, which he was not now in a position to dispute, the pope was not lacking in minor grievances out of which he made ample capital, and which grew with the passage of time. His little kinswoman, Catherine, the future queen of France, was kept a virtual prisoner, or rather hostage, in a Florentine convent. The arms and effigies of his family, as well as his own, were defaced and insulted. His envoys were excluded (not without reason) from the city.¹ The clergy were taxed without his permission ; and levies were made upon the property of his family, in spite of the agreement concluded with them when they renounced the government. In addition, Clement asserted that the city was ruled by a faction, which did not represent the general will of the inhabitants and of which any day might see the fall. His partisans at court spread these reports, and they lost nothing in the transmission.

For the reasons indicated it was natural for the English government to lend an ear to these complaints. Henry seemed inclined to frown on the Florentines rather than to help them ; and the cardinal showed himself especially unfavourable, declaring that they ought to show honour to the pope by at least sending him an embassy. The dieci were desperate at the greater credence placed in their adversary than in themselves, and insisted that his minor complaints and mild words were a mere cover to his real intention to regain the government of the city and suppress its liberty anew.² They defended themselves against the accusations brought against them. The imposition on the clergy was not for their own good alone, but, through the league, for that of the church. Clement's friends and relatives were not being ill-treated, nor was any differentiation made between them and the other citizens ; and the greatest concord ruled in the city. They were indeed grateful for the papal expression of goodwill towards them expressed to Henry through the nuncio Gambarà.³ Portinari was to express their reverence for the church ; but they did not trust the pope's words,⁴ and insisted that it was to the interest of all that the church should be free, but not great.⁵ Every effort should be made to remove

¹ Cf. the dispatch to Portinari of 12 February 1527/8. They justify their exclusion from the city of M. Antonio Pucci on his voyage to France and England as papal nuncio by recalling that it was M. Lorenzo Pucci who brought about their fall in 1512.

² Dieci, vol. xliii, to Portinari, 8 February 1527/8 (cipher). Cf. also dispatch of 6 March, with others cited below, and Varchi, *loc. cit.*

³ *Ibid.* vol. xliv, to Portinari, 24 March 1527/8.

⁴ *Ibid.* vol. xliii, 6 March.

⁵ *Ibid.* 8 February.

from Henry's mind the prejudices with which it had been imbued.¹

In the circumstances, Portinari continued to reside at court, continually primed from home with the most recent news of events in Italy, all of which served to point the same moral—that assistance was needed from Henry, powerful and immediate, in order to secure victory.² The negotiations dragged on indefinitely, affording small hope and little novelty. The Florentines defended themselves indignantly against a charge of having held up the correspondence sent through their territory by the English envoys in Italy³ and entertained them with all hospitality whenever they passed through Florence.⁴ But on the main issue Portinari seemed to be no nearer his goal, and asked fruitlessly for his recall.⁵

Towards the spring, however, Henry's attitude seemed to take a turn for the better. The dilatoriness, if not the unwillingness, of the pope in the matter of the divorce had already become patent. Henry consequently showed himself less intransigent towards the city, attempting to act as an intermediary to settle the dispute to the satisfaction of both parties. On the one hand, he pressed the Florentines to acknowledge the 'tenth' recently imposed upon the clergy as proceeding from the pope, and to refrain from taxing his relatives on the pretext of their having been debtors to the city at the time when they assumed the government. On the other, he professed to have the liberty of the city much at heart, and promised to communicate with the pope upon the question.⁶ And indeed two months later the English envoys returning from Orvieto, whither Clement had been allowed to escape, reported at Florence that they had done good offices for the city with him; and Portinari was instructed to thank Henry for his benevolence.⁷ Yet the preparations and arrival of Brunswick with his Lanzknechts in Lombardy, it was feared in collusion with the pope, renewed the immediate peril for the Florentines. Their fears were revived and they kept on with redoubled insistence in the old strain, asserting that in determination for war and immediate succour lay the only hope for Italy.⁸

And, indeed, it almost seemed as though the efforts of Portinari were to be crowned with success. Campeggio had been commissioned to go to England to treat for the divorce; yet his tardy movements had displayed the reluctance of his master.

¹ *Ibid.* vol. xliv.

² *Ibid.* dispatches of 1, 16, 23, 27 April, 1, 5, 9, 12, 17, 20 May, &c.

³ *Ibid.* vol. xliv, 13 March.

⁴ *Ibid.* 24 March, 11 April, and to orators with Lautrec, *ibid.* 5 February.

⁵ *Ibid.* 24 March, 'Della licenza non ti possiamo conpiacere . . .'

⁶ Sanuto, *Diarii*, xlvii. 652 (9 February 1527/8, Venier to the doge).

⁷ Dieci, vol. xlv, 11 April 1528. ⁸ *Ibid.* 16 April seqq., especially 20 June.

Perhaps, therefore, it may have been in order to exert pressure on Clement that the envoy was given some hopes of being at last granted the loan for which he had been begging.¹ The dieci wrote eagerly inquiring the conditions under which it was to be conceded ; but they were doomed to disappointment. There were too many considerations on the opposite side and the offer had probably never been meant seriously. Henry was indeed still favourably inclined, professing his desire to maintain the liberty of Florence and expressing his great admiration for its famous soldiery, the *bande nere*, of which he could not speak enough. Wolsey, however, was less compromising, and the considerations which had weight with him had undergone no modifications. He replied haughtily to the importunities of the ambassador that it was more fitting for the Florentines to make a loan to the king, who was making such sacrifices on behalf of the league, than for the king to make one to the Florentines. Another circumstance intervened to put an end irrevocably to the negotiations. The strict secrecy in which it was necessary for them to be carried on had been broken, to the resentment of the ambassador and the intense disquiet of the Florentines.² It had become dangerous as well as futile to persist in the negotiations. Portinari was unostentatiously recalled ;³ and an ingenious justification of his conduct was sent to the court of France. It was explained that before the revolution the pope had been negotiating with Henry for a loan of 100,000 ducats through a Florentine merchant in London. The affair had been revived recently (without their leave, as they gave it to be understood) by another of their subjects ; but, judging the matter not to be to the advantage of the league, they had ordered him to return to the city without prosecuting the matter further.⁴ Thus, from the autumn of 1528, though

¹ Dieci, vol. xlv (20 June): 'Habbiamo inteso l'opera per te fatta in beneficio non solo della nostra città ma di tutta Italia, la qual cosa . . . al presente è più necessaria che mai . . . Quanto al partito che scrivici per il quale la città si potria valere di quella somma di danari che advisi, vorremo ci facesse più particolarmente in quanto tempo si habbino a pagare, et quando cominci il pagamento, et quanto si habbia a pagare l'anno : acciò tene possiamo dare quella commissione che noi giudicheremo et utile et honorevole alla nostra città . . .'

² Varchi, i. 309-10.

³ The correspondence with him breaks off abruptly with the dispatch of 20 June 1528, cited above. Varchi, however (*loc. cit.*), gives one to understand that he returned in the preceding January, and Pio Falletti Fossatti, *Assedio di Firenze*, i. 265, asserts, unequivocally and wholly incorrectly, that he returned in 1527. A report of Heneage to Wolsey in *State Papers*, no. 167, apparently refers to the farewell audience. It is dated 'Friday' (between 1 August and 23 September 1528): ' . . . And His Highnes is very well content that the Imbassadour of Florence shall comme to his presence upon Sondag next, according to Your Grace's pleasure ; but as for his reward, His Grace spake nothyng to me of it, and I durste not aske hym no qwestion thereof . . . ' Busini, *Lettere sopra l'assedio di Firenze*, no. vi, dismisses the matter summarily, blaming the ambassador for the failure.

⁴ Dieci, *ibid.*: 'A Mons. di Xanthes al p^o di luglio MDCVIII . . . Post^a ci occorre

indirect diplomatic relations between Florence and England continued as before,¹ the direct were broken off; and when the new ambassador in France suggested their resumption he was informed that the finances of the city did not permit of such a step.² Yet the effects of the embassy were not wholly transitory. The Portinari family kept in touch with the English court, one, Francis Portinari, sending Henry a description of the hospital of Santa Maria Nuova for his guidance;³ and the recollections which Pierfrancesco brought away with him proved of considerable importance in the final tragedy of the republic.

The succeeding period was signalized by the complete *débâcle* of the French forces in Italy, after having seemed to be within reach of victory, in the summer of 1528. In consequence the 'Ladies' Peace', abandoning the smaller Italian powers (including Florence), was concluded at Cambrai between the main parties on 7 August 1529, and was sworn to by Henry VIII on 28 November. Before this Clement had cast off all disguise and openly thrown in his lot with the imperialists, the alliance between pope and emperor being formally concluded in the treaty of Barcelona. One implicit condition was to take up the cause of Catherine of Aragon; and all real hope for the divorce was at an end once the case was cited to Rome (22 July). On the other hand, the overwhelming forces of the emperor were now inspired and directed by the personal animosities of his ally; and the army of the prince of Orange began to move on Florence. The English envoys did their best to act as mediators with the pope. It was, however, in vain. Stung by minor injuries and eager for revenge, he told them excitedly that the Florentines wished to take him prisoner to their city, and that he would rather serve in the emperor's stable than endure any longer the insults of his subjects and vassals. He protested that he was not God but

farvi intendere come innanzi alla mutatione del Governo N. S. trattava per il mezzo d'uno genere di M. Carlo Niccolinj habitante in Londra di valersi di D^m/100 dalla M^a di quello Re con quelli partiti co' quali ha' usato qualcun' altro pigliarne. Al presente questa medesima Pratica si suscitava per mezo d'uno fiorentino. Noi giudicando tale cosa non essere secondo il beneficio della Lega, habbiamo fatto comandamento al fiorentino che si trova qui, che non sene travagli in cosa alcuna. Habbiamovi significato questo accioche siate d'ogni cosa informato . . .'

¹ e. g. *ibid.* vol. xlv, to bishop of Santes, 8 September 1528. 'Non mancherete anchora di Parlar col Oratore Anglico & confortarlo a riscaldare il suo Re a non manciare a presenti bisogni . . .' Bryan, the English envoy to Rome, was in Florence at the end of 1528 (see his letter dated from there of 9 January 1528, 9 in *State Papers, Henry VIII*, vol. vii, no. 229), when he held a secret colloquy with Capponi (cf. the Venetian ambassador Soriani in Albèri, *Relazioni degli Ambasciatori Veneti*, ser. II, v. 415). Gardiner and Fox similarly applied to Florence for passports on their way to Rome two months later (*State Papers*, no. 189; Lucca, 16 March 1528/9).

² Dieci, Carteggio, Responsive, vol. cli, fo. 474. From Baldassare Carducci, 22 May 1530.

³ Mariano, *Notizia della nobile famiglia Portinari* (1897), pp. 44-5.

man, and intended to use all means, force or fraud, to defend his own and recover what he had lost.¹ Finally, he avoided their remonstrances by pretending that it was not in his power to prevent the imperial army from marching on.² After such an uncompromising answer from the one side, it is not to be wondered that a special mission of Casale to Florence to treat for accord met with no better success.³ Indeed, the English intentions at this stage were not above suspicion. It was feared that in the desire of Henry to serve the pope in order to secure his favour in the matter of the divorce and for the advancement of Cardinal Wolsey, he had passed the bounds of friendship and entered into a conspiracy against the liberty of the city.⁴

Thus, disdaining compromise and abandoned by the allies for which it had sacrificed itself, the city prepared for defence. The siege was formed in September, and for nearly a year the unequal struggle continued against the combined forces of pope and emperor, of Germany and Spain, aided by virtually every state in Italy with the exception of Venice. It was indeed an epic conflict, with Michelangelo superintending the fortifications, Andrea del Sarto trailing a pike in the ranks, and Francesco Guicciardini heading the intrigues of the exiles; and despite the unequal odds, the city came very near to victory and might have achieved it but for the treachery of her own captains. The key-note of the situation was now, as always, the question of finance; very naturally in Italy, where the best paymaster could always secure the most troops and retain their services the longest. Nothing, therefore, was left untried by the city in order to secure money. When ordinary methods of taxation were exhausted recourse was made to forced loans, to voluntary gifts, to ecclesiastical levies, to confiscations, even to lotteries. Early in the siege Henry VIII was approached for a substantial favour. In November 1529 the signoria wrote to him professing their utter inability, owing to the stress of war, to continue the annual

¹ *Letters and Papers*, no. 5676 (Casale and Vannes to Wolsey, Rome, 13 June 1529).

² *Ibid.* no. 5848 (same with Benet to same, 14 August). A full dispatch of Casale's on Florentine affairs seems to be missing. Cf. *State Papers*, no. 254; same to same, Rome, 25 September 1529: '... De Florentie rebus scripsi vestre reverendissime Dominationi ...'

³ Sanuto, *Diarii*, xli. 462 (26-30 August 1529). Cf. Signori, Carteggio, Missive, 1^o Canc. vol. lviii, 26 August 1530. Recommendations and safe-conduct through Florentine territory to 'Mag^{co} Pero Vani, secretario al ser^{mo} Re di Inghilterra', and similarly to his ambassador, Gregorio Casale.

⁴ Dieci, Missive, vol. xlvii. Instructions to Bartolommeo Cavalcanti, special envoy to France (25 June 1529): '... Il Re d'Anglitterra sempre da buon tempo in qua è stato molto inclinato a far servizio al Papa rispetto al Divortio et al Car^{le} Eboracense, molto per natura amico a S. S^a, et perche per qualche adviso che ne habbiamo dubitiamo appresso quella Maestà non sia stata procurata la nostra servitù, vogliamo che veggiate di ritrarre tutto quello che diciò potrete intendere ...'

payment of 2,000 florins to Sir Henry Wyatt and Sir John Dance, which they had taken upon themselves on his behalf. They therefore begged Henry to allow them to defer the payment for one year.¹ The option in such cases is generally with the debtor ; and one may therefore imagine that the Florentines had their own way.

Meanwhile, the siege continued. On 7 December the *pratica* (the advisory council acting especially in foreign affairs) was called together to discuss certain proposals which seemed almost the counsel of desperation. Of these the most extreme was one to relieve the pressure of the blockade by expelling all 'useless mouths', such as the poor, the aged, and the women. The suggestion was fairly resolutely rejected, excepting in the event of direst necessity : but it serves to illustrate the extremity of the other measures discussed at the meeting. It was proposed to send to England, to Venice, and even to the Turk for assistance in the city's present need. Upon this matter opinions were more evenly divided. Some considered the voyage to England too long ; others were in favour of utilizing the services of some native Florentine ; one went so far as to specify the ambassador whom he would have sent, Rosso Buondelmonti ; a few left the decision entirely to the *dieci*. In the main the preponderance of opinion was slightly in favour of the proposed mission. However, the *pratica* could counsel only, not decide ; and there are no indications that the *dieci* took any steps in the matter. Till the following spring, the question was not raised again.²

In the meantime, however, communications with England were not entirely cut off. Florence did not have to depend wholly upon its central government. The patriotism and public spirit of its citizens, wherever they were found, were of the most conspicuous. The Florentine merchants in France and Flanders were raising among themselves a free-will offering to help their native city in its hour of need ; and the former in particular were elaborating a more ambitious scheme.³ The colony in England was poorer and smaller ; but it was not lacking in the same spirit. It was ably represented and led by its consul, Francesco Bardi, the most enthusiastic among its members, and one of a wealthy firm of merchants whose transactions extended even to court.⁴ It is this enthusiast whom we find at the opening of

¹ Signori, Carteggio, Missive, Registri, 1^o Canc. vol. lviii. The names read in the original *Vriatt* and *Dams*. Sir Henry Wyatt was treasurer of the chamber.

² Consulte e Pratiche, vol. lxxi, 7 December 1529. We have the authority of the Venetian envoy for believing that the matter was considered for some days previous. Cf. letter of 3 December in Albèri, *Assedio di Firenze*, p. 156.

³ See Hauvette, *Luigi Alamanni, sa vie et son œuvre* (Paris, 1903), pp. 84-8.

⁴ Cf. *Letters and Papers*, nos. 4690, 5350, 6748, and elsewhere *passim*.

the siege writing to Italy, anxiously asking for intelligence and 'waiting each day that God send us good news of the afflicted city'.¹ Through his instrumentality the Florentine colony collected the sum of 1,060 ducats, which they sent to the city through the agency of the consul at Lyons, with apologies for the meagreness of the amount.² But the efforts of Bardi did not end with this.

Florence was represented at this time at Ferrara by Galeotto Giugni, a man whose indefatigable energy and wealth of resource appear plainly in his dispatches. It is probable that during the winter he had come into contact with Pierfrancesco Portinari, the late ambassador to England, who then formed part of an ineffectual mission to the pope and emperor at the congress of Bologna. He had at least become informed as to the circumstances of the English embassy, and saw in it hope for the future. It had failed, he understood, principally through the opposition of the cardinal of York; but the cardinal was by now fallen, as Francesco Bardi had lost no time in reporting in Italy.³ English discontent was increasing through the failure to obtain the divorce; and it did not seem as though the special mission to Bologna of the earl of Wiltshire, father of Anne Boleyn, was likely to have any beneficial result. It was, to Giugni's mind, an 'obscene and ugly affair'; but he counselled the dieci to take advantage of the circumstances, and now that the principal obstacle had disappeared to try again for the help even of the 're eretico'.⁴

Whether this suggestion had any influence or no, the same question was again raised a month afterwards, from a different country and a most unexpected quarter. At the period of the divorce of Henry VIII even rabbis came into their own over the thorny question of deciding the rival claims of the conflicting passages of Leviticus and Deuteronomy; a Christian authority could dare to treat like an independent potentate. Sanctes Paganinus of Lucca occupied this enviable position. He had made a fresh translation of the Bible into Latin out of the original tongues, and as a result had entered into correspondence with Henry VIII, for whom he had written a memorial upon the all-absorbing problem of exegesis. At Lyons, he lived in the midst of a flourishing Florentine colony; and he had the tenderest memories of Florence itself, which, though not the city of his

¹ Sanuto, *Diarii*, li. 245 (24 October).

² See the letter of Luigi Alamanni of 25 April 1530, cited below.

³ He had been ordered to give up the Great Seal on 16 October 1529; on 24 October Bardi reported his fall to a correspondent in Venice: *State Papers, Venetian*, iv, no. 519.

⁴ Dieci, Carteggio, Responsive, cli. 151. From Galeotto Giugni, orator at Ferrara, 21 March 1529/30. The title 'Re Eretico' (instead of 'Re Enrico') is used by Busini, *Lettere*.

birth, was that of his education and his upbringing. On 22 April, therefore, he ventured to write to the king, imploring him to write to the pope in intercession 'as the holy spirit prompted him' and at the same time to fend off ruin from the city by supporting it secretly with money, offering himself as a security and hostage.¹

Henry was at the same time approached in another and more practical direction. Francesco Bardi had not contented himself with the collection of money among his compatriots in London. Taking advantage of a certain degree of intimacy which he enjoyed at court, in consequence no doubt of his business relations, he had succeeded in having a prolonged conversation with the king about the affairs of Florence. The result was most promising. He listened to all Bardi had to tell him, wrote the delighted merchant, with as much interest and pleasure as though he were himself a Florentine. He much praised the courage of the burghers and spoke very disparagingly and with the greatest animosity of the pope and the emperor; most naturally, after the humiliating failure of the mission of the earl of Wiltshire. Only one thing prevented the king from demonstrating his goodwill in deeds. The two French princes, who had replaced their father as hostages in Spain after the treaty of Madrid, were still in captivity, though their liberation was soon expected in accordance with the arrangement concluded at Cambrai. Until they were delivered to their father, it was impossible to prejudice their chances of liberation by manifesting open enmity to the emperor; and the same consideration was pleaded by Francis to justify the withholding of the support which he had been so lavish in promising. The latter had, however, made arrangements for secret subvention in money; and Bardi was of the opinion that the same could be obtained from England. If the city were to send bonds for a sum of forty or fifty thousand ducats, he thought that he could obtain a loan of so much and perhaps more. At the same time he recommended the sending of a special envoy in all secrecy to secure the concessions.²

Bardi's plan was forwarded to Florence through the consul at

¹ See p. 195 below.

² See abstract of intercepted letter of Alamanni in *State Papers, Spanish*, vol. iv (i), no. 237. It is dated 25 December 1530—quite impossibly, as all the internal details show (e. g. the siege of Florence is going on, the French princes are yet unreleased). It is obviously a companion letter to that to the commissaries of Pisa of 25 April 1530, printed by Hauvette, *op. cit.*, App. II, doc. 52, which gives the same information in abbreviated form, and may be ascribed confidently to the same date. The mistake is probably in the Spanish decipherment, since it is already to be found in the original transcription (British Museum, Bergenroth Transcripts, vol. ix (Add. MSS. 28579), fols. 284-7).

Lyons and Luigi Alamanni, the poet, who was acting as agent at Genoa. The latter recommended the scheme enthusiastically, and eagerly offered his services to bring it to fruition. The plan had everything to recommend it. The war seemed to be resolving itself more and more into a question of money, and the longest purse had the best chance of victory. The latest military scheme of the Florentines, too, had rendered it essential to raise large supplies outside the city. It was apparently intended to bring together at Pisa a force of mercenaries for the relief of the capital. It was for this that the French subsidies were intended, and any money which might be raised from England would be equally useful. In the actual state of blockade it was of the utmost difficulty to send the desired envoy from Florence itself. Instructions were accordingly sent to France for Bernardo Altoviti, the consul at Lyons, to go on the mission to England, leaving a substitute behind him. If he were unable to go in person, he might choose any of the Florentine colony to go in his place, always acting in consultation with Baldassare Carducci, the ambassador at the French court.¹ These instructions were accompanied by a letter expressing the warmest gratitude to Bardi for his efforts.² It happened that Altoviti found himself unable to go in person on the mission entrusted to him, or professed at least that this was the case.

In the meantime letters had arrived in France and at Florence from Bardi and Giovanni Giraldi, his coadjutor in the negotiations at the English court. In these further account was given of the work they were doing on behalf of the city, and of the continued goodwill of the king; but Henry's desire for the completest secrecy was accentuated, and it was indicated that instead of sending special envoys it was advisable to entrust the commission to themselves.³ Accordingly on 30 May, the morrow of the loss of Empoli, fresh credentials were dispatched to Bardi and Giraldi, with a lengthy personal address to Henry himself.⁴ He was reminded of his recent call to all Christian princes to make peace among themselves and war against the 'most impious Turkish ruler' (with whom the Florentines were simultaneously intriguing for assistance). To this noble sentiment they now made appeal. They explained the cause of the siege; they had no quarrel with the emperor, but only with the pope, who, 'infinitely, immoderately and dishonourably coveting our sacred dominion, our rights, our liberty', had sent so great an army

¹ Dieci, *Missive*, vol. xlvii, fos. 137-9, to Baldassare Carducci, 10 May 1530.

² *Ibid.* fos. 140-1.

³ British Museum, Bergenroth Transcripts, vol. ix (Add. MSS. 28580), fos. 108 seqq. Intercepted letter from Baldassare Carducci to the Dieci, 2 June 1530. Cf. *State Papers, Spanish*, vol. iv (i), no. 336.

⁴ Dieci, *Missive*, vol. xlvii, fos. 143-4.

⁵ Rymer, *Foedera*, xiv. 354.

against them. In return for his help, they could promise Henry the credit of the enterprise.

You can do nothing (believe us) if you care for glory or for fame, which will receive greater praise from all, or which will be more commended by posterity, than to deign to bring help to us who implore it. . . . And if you do this, we promise you nothing but our unmeasured gratitude.¹

At the same time, letters were sent to influential English nobles begging them by the justice of the quarrel and the goodness of their own hearts to further the Florentine cause.²

Help in the negotiations had come meanwhile from a new quarter. The earl of Wiltshire, having failed in his mission to the pope, returned homewards slowly, still filled with resentment, and halted at Paris on a special mission, meanwhile persuading the Sorbonne to give an opinion favourable to the divorce. Here he came into contact at the close of May with Baldassare Carducci. The Florentine envoy, arguing from his present bitter mood against the pope and aware of his favour with the king of England, hoped that it might be possible to turn all this to the account of his city. First he made diplomatic soundings at the French court, where he obtained unqualified approval for the idea; and then approached the earl. He found his expectations actually exceeded. The ambassador expressed the greatest regard for the welfare of Florence, and promised to do his best to dispose not only his own king but also Francis himself to favour the city. He even advised Carducci how to set about the business, suggesting that he should send him for transmission to England a report in which the state of the city was depicted as graver than it actually was, with an estimate of its resources and of the opposing forces in which the odds were exaggerated. At the same time he advised the Florentines, when they had a breathing space, to revive the embassy in England. Nor indeed was this merely a matter of words. Carducci ascertained that he lost no time in fulfilling his promise, speaking immediately on behalf of the city at court and writing home to Henry. Much was hoped from his intercession, not only from England but also from France, whose king would 'march into the enterprise with good legs' in such company.³ Indeed, the Florentine envoy was given to understand that the two kings were in accord not to allow the city to perish; and he was confident that his work in France would be more speedy and effective than that of the two intermediaries in England. Negotiations were entered into between Wiltshire and

¹ Text printed by Falletti Fossati, i. 265-70, from Signori, Carteggio, Missive, Registri, 1^o Canc. vol. lviii; see Sanuto, *Diarii*, liii. 307-11.

² Signori, *ibid.*

³ Dieci, *Responsive*, cli. fos. 473-4. Deciphered copy of letter from Baldassare Carducci, Angoulême, 22 May 1530, from original in Carteggio Originale, xii, fo. 361.

Francis for co-operation in a subvention in which Henry was to subscribe half the amount given by his fellow-sovereign ; and a preliminary arrangement was concluded for the first assignations, the one of 20,000 ducats and the other of 10,000.¹

It was just past the middle of June when the first news of the arrangement reached London in letters to the French and Florentine representatives in that place. They lost no time in repairing to court to lay the plan before the king, buoyed up by an optimistic letter from Carducci, who, reassured by Wiltshire, confidently encouraged them to obtain an augmentation of the sum mentioned.² Contrary to all expectations, however, the proposals met with a rebuff ; and though they returned to the charge, it was with no better fortune than before.³ They had forgotten that Wiltshire represented only a faction at court, though an important faction. Although the party of Anne Boleyn, anti-papal and anti-imperial, were naturally inclined to favour the Florentine request, they were automatically opposed by the party of the old nobility, pensioners of Charles and supporters of Clement. At their head at this period was the duke of Norfolk, chief minister to Henry since the fall of Wolsey. He had continually opposed the proposals on the ground that it was a foolish thing to throw money away in that direction ; and in consequence earned much unpopularity among the Florentine colony.⁴ But the final decision was not actuated so much by personal inclination as by considerations of policy. The long delay in the definite delegation of the envoys had been fatal for Florence. The excellent secret service of the Spaniards had intercepted Alamanni's letter of 25 April as well as others on the same topic, and the pope knew of the negotiations with England probably before the Florentines themselves.⁵ And indeed, though anxious to keep the details secret, Henry made no mystery of his intentions. His ambassador gave Clement plainly to understand what was in the air, and he was threatened that if the question of the divorce was not settled he would not only lose the obedience of England but also see 100,000 ducats lent to the Florentines.⁶ Clement was patently irritated at the menace, for his credit as well as his success was by now involved. He had good reason to believe that Henry had actually sent agents to treat with

¹ Bergenroth Transcripts, *loc. cit.*

² Dieci, *Responsive*, vol. cli, 'Decyferato d'una di M. Baldassare Carducci oratore in Francia', 15 June 1530.

³ *State Papers, Spanish*, vol. iv, pt. i, no. 366, Chapuys to emperor, 29 June.

⁴ *Ibid.* no. 373, same to same, 11 July.

⁵ A number of the letters above cited are intercepted copies from Spanish archives. Cf. also references below. Pastor, *History of the Popes*, ix, 100, n. 5, cites the reports of A. da Burgo dated Rome, 26 June and 12, 23 July, to illustrate 'the fear that France and England might help the Florentines'.

⁶ *Letters and Papers*, no. 6452.

Florence; and it was generally thought that he had already lent the city money.¹ Yet there was a powerful weapon by which these intrigues might be opposed. Just as hostile action on the part of the French could be countered by delaying the release of the sons of Francis, so any menace on the part of England could be nullified by dangling or withholding hopes in the matter of the divorce, an official decision with regard to which had not yet been published. Briefs were dispatched to France and to Venice expressing his disapprobation of the English attempts to collect opinions in those places upon the question.

He was, as I suppose [wrote Stokesley to his master], irritated and provoked to displeasour by the reaporte made unto Hym of Your Grace's wordes concernyng Florence, for he regardeth his pleasour in yt moore than evyr He did any victorie in his lyfe before; and therfor now that the Bisshope of Vasona, that camme from Vincentia and Veniece to Roome, showed the Poope of the sollicitation and successes of your agentes there, He with all hast devised and sent forth thies inhibitions.²

Another reason was more material. A change in the policy of the English treasury had taken place; and in recompense for previous extravagance a period of extreme parsimony had commenced. There was in addition some misunderstanding as to the terms of the proposed advances. Francis, as a heavy, and nearly defaulting, debtor to the Florentine merchants in France, had been willing to make the grant an absolute one, since it made virtually no difference to him. He expected, however, Henry, whose position was wholly different, to do the same. The idea naturally aroused resentment on the other side. Fully conscious that the city stood in the most urgent need of the money under whatever conditions, Carducci hastened to dispel the impression, and was at pains to explain that the money was desired only on loan, he himself having full power to treat in the matter. His authority was, however, questioned;³ and—not without suspicions of bad faith—this served at least as an excuse to put into effect the new desires to economize. The Florentines fell, therefore, among the first victims of the reformed policy of the treasury. When at length, towards the end of June, the envoys made their formal application for the promised grant, these causes combined, in spite of all their powerful backing and preliminary assurances, to procure them a flat refusal from Norfolk, on the pretext that it was too soon for the king to reveal his intentions.⁴ When the news reached France, the earl of

¹ *Ibid.* no. 6476.

² *State Papers, Henry VIII*, vii, no. 274 (Bologna, 13 June 1530).

³ Bergenroth Transcripts, ix, fo. 321 seqq. (cf. *State Papers, Spanish*, vol. iv, pt. i. no. 390).

⁴ *State Papers, Venetian*, iv, no. 584 (London, 28 June 1530), Augustino Scarpinello to Francesco Sforza.

Wiltshire, who had the cause much at heart—his credit and his future both seemed at stake—went in person to England to dissuade the king from his decision and to urge him to return to his previous idea of succouring the Florentines in conjunction with France.¹ For the moment at least, however, his intercession had no effect. A fortnight later Baldassare Carducci, writing home, complained bitterly that, after showing such sympathy and raising such hopes, Henry had so suddenly and so completely lost interest; and he saw in it plainly the hand of the pope.²

It was not long, however, before matters took a turn for the better. Henry's hands were in part unfettered by the release of the French princes, which took place in the middle of July. The news was greeted in Florence with incredible manifestations of joy, in the assurance that the traditional ally would make good at last his promises of help.³ Francis, however, worn out by war, preferred to set the seal on his perjury. Henry himself was nevertheless now more free to act. It was true that he had no intention of pursuing any schemes of knight-errantry, subsidizing Florence out of his own inadequate purse without any hope of substantial gain. The busy brain of Wiltshire had, however, discovered a way by which the financial interests of England could actually profit through a plan of subsidy. Just before leaving France he had put forward for the consideration of Carducci a scheme of his own. The Florentine merchants in England owed Henry the considerable sum of 100,000 ducats. He suggested that the city of Florence should take upon itself the obligation to pay this amount—an obvious advantage to the creditor—indicating that the result would be to secure Henry's goodwill and in consequence some effective assistance on his part. Carducci made the obvious reply that so heavy a payment would cripple the city instead of aiding it; and besides, that the reliability of the king's Florentine debtors was in itself an important consideration. 'It seemed to me inhuman to attempt such matters in such times,' he wrote home to his government.⁴ The suggestion, however, was not so impossible as it seemed at the outset; and in the next few months it was perfected and began to be put into execution. The firm of Bardi had some

¹ *State Papers, Venetian*, iv. 585 (Giustinian to the signory, Bourges, 5 July).

² Bergenroth Transcripts, ix. fo. 286 seqq. (cf. *State Papers, Spanish*, vol. iv. pt. i. no. 383): intercepted letter of Carducci to Signoria, 21 July 1530. Chapuys, writing to the emperor on 20 August, was unable to find that any considerable sum had been sent abroad by the king on that date, unless it were through the person who supplied him with wines from France (*State Papers, Spanish*, vol. iv. pt. i. no. 373). This was possibly the channel of the subsidies of which we have indications later on.

³ Varchi, ii. 410.

⁴ See his letter of 15 June in Dieci, Responsive, fos. 473-4.

time previously entered into certain contracts with the king to supply him over a long period of years with a considerable quantity of silks and other materials in consideration of a debt which they owed him.¹ War and blockade in Florence, however, had interrupted their trade so that 'cloths of baudken and gold' were not to be found in London, even for so important a personage as Wolsey;² while other Florentine commodities must have been equally scarce. It was, therefore, probably to the mutual advantage to replace these contracts by a monetary accommodation in favour of the city, as a commencement of the fulfilment of Wiltshire's scheme. On 2 September the treasurer of the chamber was authorized to deliver to Giovanni Cavalcanti and Francesco de' Bardi the thirty-nine original obligations by which they were bound to pay the king £11,250 at various times from 20 January 1524 to that day, in return for a single bond of the city of Florence to reimburse the sum by yearly instalments of £450 beginning at Christmas 1531.³ It was in this postponement of payment that the essence of the agreement lay. The Florentine merchants were presumably to pay the sum in question to their city instead of to Henry, a substantial aid in its present straits. The city in its turn was not to commence repayment till after a lapse of a year and a half, and even then only by gradual instalments. At the same time it is to be imagined that Henry, in return for this accommodation and others like it, was to commence the serious and effective assistance promised by his ambassador.

Already, indeed, it seems as though he had made full preparations. Letters of credit upon Pierfrancesco de' Bardi were received at Pisa.⁴ Charles's representative at Venice reported apprehensively that Henry had sent to his envoy at that place others to the amount of eight or ten thousand ducats presumably to be expended on behalf of Florence; and these he suspected to be accompanied by a further promised subsidy of 20,000 ducats.⁵ That the money was not sent directly to Florence gives reason to suppose that the intention was to raise independently a mercenary force to relieve the city. It was a task easy enough in Italy; nor on any other supposition can be explained the consternation caused by the succeeding intelligence to one who was already fully aware of Henry's practices with the Florentines. Shortly after his receipt of the money had been reported, Doctor Richard Croke (secretary to Stokesley, the bishop elect of London, recently arrived in Venice on business connected

¹ *Letters and Papers*, nos. 4699, 5350.

² *Ibid.* no. 6495.

³ *Ibid.* no. 6604; cf. also no. 4231.

⁴ *Francesco Ferrucci e la guerra di Firenze* (Florence, 1889), p. 279 (letter of commissaries of Pisa of 20 July).

⁵ *Bergenroth Transcripts*, vol. x (Add. MSS. 28581), fos. 21 seqq.; cf. *State Papers, Spanish*, vol. iv, pt. i, no. 402.

with the divorce), made a special journey to visit the bishop of Verona, one of the few Italian prelates favourable to Henry, and delivered him letters from the king which seem to have amounted to a virtual ultimatum to the pope. The bishop was thrown into consternation on reading them—' . . . marveylously abashed . . . as appeyred not only by hys words but also by his countenance, the whyche was not rede but extreme pale '. He asked in amazement why the king wrote to him thus about the Florentines, knowing that it would do them both harm if known to the pope. He inquired anxiously whether Clement yet knew of it, and begged that, if not, it should be kept secret, as assuredly the letter had been devised by some friend of the Florentines and enemy of his holiness and his house, and that the king had signed it unawares.¹ Such extreme language must give one to understand that Henry's letters threatened immediate armed intervention, for which the money had already been forwarded to Venice in fulfilment of the agreement to which he had come. Similarly, the imperial envoy at Rome believed that England was actually prepared to take the burden of defence upon herself.²

By now, however, it was too late. Already on 3 August Francesco Ferrucci, the last champion of Florentine liberty, had been defeated at Gavinana in a battle in which the death of the prince of Orange, the imperial commander, was amply outweighed by his own. Even now the city might have held out but for a shameful betrayal with every circumstance of baseness by its own mercenary captains. In consequence, on 12 August, the day after the colloquy at Verona, it was forced to capitulate. The help prepared in Italy was too late ; the financial accommodation made in England came when all was over. Henry was driven into a difficult position. As a consequence of the dislocation of Florentine trade, probably accentuated by the heavy payments he had made to his native city, Francesco de' Bardi had become bankrupt ; and the king himself was reckoned to have lost in consequence upwards of 50,000 ducats.³ This, however, was a mere trifle by the side of the fact that with the Florentine *débâcle* his hopes and plans in Italy had ludicrously failed. He was forced into a clumsy retreat. He had to own to the papal nuncio that he had written in favour of the Florentines, but pleaded that it had been done at the instigation of other parties.⁴ His good intentions had been completely nullified by his tardiness and indecision.

CECIL ROTH.

¹ British Museum, Cotton MS. Vitellius B. 13 (Acta inter Angliam et Romam, 1530-2), fo. 100. Croke to Stokesley, 11 August 1530 ; cf. *Letters and Papers*, no. 6559.

² Bergenroth Transcripts, x, fo. 204 seqq. (cf. *State Papers, Spanish*, vol. iv, pt. i, no. 446). Mai to emperor, 2 October.

³ *Ibid.* no. 411. Eustace Chapuys to emperor, London, 20 August 1530.

⁴ *Ibid.* no. 429. Baron del Borgho, papal nuncio in England, to Clement VII. 16 September 1530.

Public Record Office, *State Papers, Henry VIII*, vol. lviii. fos. 81-2.

Serenissimo Regi Angliae Henrico Octavo Sanctes Pagninus Lucen. or. prae. S. P. D.

Quantum ut aiunt, in sinu laetatus sim, perlectis litteris Maiestatis tuae, serenissime Rex, haud quaquam his litteris me consequi posse arbitror. His enim perfacile non modo tui animi candorem, probitatemque, verum etiam in me homuncionem humanitatem ac liberalitatem expendi. Quid enim tua dignum Maiestate effeci ut tantum me efferas praeconiis, totque optes afficere benemeritis? Pro his immortali Deo primum, subinde tibi gratias agimus. Parum insumpsimus laboris pro veritate tuenda, pro qua et mortem oppetere non formidamus. Laboramus quantum datur ocii, ingenii, ac virium in causa gravissima Maiestatis tuae, quae utinam quam primum optimum sortiatur effectum, quem iam, ut arbitror, sortita fuisset, si per homines sine velamine affectionum dimicata fuisset. Mittam, ut iubet Tua Maiestas, litteras et exemplar eorum, quae scripsimus, et scripturi sumus in hac causa ad Episcopos Veronensem, ac Theatinum, mihi amicissimum, et ut scribant quid sentiant, rogabo et obsecrabo. Unum est quod a Maiestate tua toto corde, totis viribus, pro tua in fidem Christianam religione, pro tua in Christum Christianosque illius membra dilectione, pro pace totius Italiae, quam scio tibi essere corde, pro tua in me servulum suum benevolentia, ut memineris pauperculae civitatis Florentinae quae me educavit, honore, beneficiisque affecit innumeris, cui me ipsum totum debeo, pro qua ieiuniis me affligo, orationibus quoad valeo incumbo. Scio illam iustissimam habere causam se tutandi, quum libertatem, uxores, liberos, propinquos, affines, concivesque defendat: ubi sunt ultra centum & triginta milia animarum, a barbaris iniuste obsidetur iamdiu, omni auxilio humano est destituta. Quis non defleat illius pulcherrime urbis calamitates, castrorum, villorum, praediorum domorumque depraedationes ac vastationes? Quis non deploret Pastoris Clementis inclementiam, qui suas oves ita mactat & perdit? Quis non lugeat primum Florentinorum civem in patriam civesque suos ita debacchari? Quare si quid in te est pietatis (permulta siquidem est), si quid est misericordiae, rogo et obsecro Maiestatem tuam, per regem regum Iesum Christum & eius matrem Mariam Virginem, quam singulariter diligis, ut miserearis illius civitatis, scriptis ad Summum Pontificem litteris ut suggeret spiritus sanctus, clam quoque mutuatis pecuniis cum illius civitatis optima securitate. Sic enim ut arbitror perfacile solvetur obsidio & rem gratissimam Deo facies, sed & civitas illa perpetuo tibi erit obnoxia & quum nihil habeam nisi me, pro illa me ipsum obsidem dabo. Pluribus tecum egi quam par fuerat, sed amor in illam patriam me coegit. Cogat te Christianis ut miseris opem feras, Christus post longam & foelicem vitam tibi conferat Regnum. Rogavimus & dominum Eduardum, ut hac de re tuam alloquatur Maiestatem. Vale in Christo foelix. Ex Lugduno Die xxij Aprilis MDXXX.

E. T. M. Servulus S. Pag.

Qui supra.

Addressed: 'Serenissimo Regi Angliae Henrico Octavo, fidei propugnatori invictissimo.' Endorsed by King, 'S. Pagninus'.

The Origin of the Crown Agency Office

THE office of the crown agents for the colonies was constituted on its present basis in 1833. The organization of the office in that year was not, however, its real origin ; its foundations were laid during the Napoleonic wars, and still earlier there can be found the first foreshadowing of its growth. For this it is necessary to go back to the time of the Seven Years' war, when the administration of the colonies was still divided between the old board of trade and plantations and the secretary of state for the southern department. At that time the colonies were still, to some Englishmen at any rate, a source of financial gain. The logic of Grenville had not yet broken the old system of empire in pieces, nor the economic reform movement made more difficult the game of hunting 'little patent places' in the colonies.

It is in this period that the term 'crown agent' first comes into use. In the middle of the eighteenth century there were many kinds of agent connected with colonial affairs. Governors employed personal agents to draw their salaries and look after their private interests ; regiments and independent companies stationed in the colonies required agents at home ; and colonial legislatures, whether on the American continent or in the West Indies, appointed colonial agents to see that colonial laws were confirmed and the general interests of the colonists maintained. The crown agent¹ was another variant of the office. He had points of similarity to all the rest : like the army agent he was appointed by royal warrant under the sign manual ; like the colonial agent's his nominal function was 'to transact the affairs and carry on the necessary correspondence' of the colony ; like the governor's agent's his real function was to receive moneys issued from the treasury. But the crown agent, perhaps because he had points of resemblance to all these other agents, was not identical with any of them. As the title suggests he was an officer of the Crown, appointed mainly for its own convenience. He served the whole colony, like the colonial agent, but only in

¹ The phrase is not official. Richard Cumberland uses it to describe his office on behalf of Nova Scotia, to which he was appointed in 1758 (*Memoirs of Richard Cumberland*, 1807, i. 205. 243). Officially the word 'agent' was used of all types.

one particular, the receipt of money from the treasury. His instructions came from the treasury or the board of trade; to the auditor-general he made quarterly returns. His office was purely a financial one, and before long appointment to it came to be regarded as a treasury preserve. The first such agent regularly appointed seems to have been Christopher Kilby, agent from 1749 for Nova Scotia.¹ The office continued until 1835, when its duties were transferred to the department of the paymaster of civil services.² Twenty-five agents serving twelve colonies held office during the intervening period.

With these, the first holders of the title 'crown agents', the present office has no direct connexion. They were agents appointed by the Crown, not agents of the crown colonies.³ Their tenure, ended in 1835, was never revived. But with the ultimate origins of the modern office there is some association. One of the early 'crown agents' was Richard Cumberland, appointed in 1758 to the agency of Nova Scotia, a post which he held down to his death in 1811.⁴ Cumberland, as his *Memoirs* show, was a persistent sinecurist, and, in spite of an occasional fear that he might be wronging his own ability, he picked up offices wherever he could. Amongst them he held not only the crown agency for Nova Scotia, but the colonial agency for the Bahama Islands, and in 1764 he obtained yet another office, that of 'agent' for Quebec. This post he received at the same time as Purbec Langham was constituted in similar terms 'agent' for Grenada and the Grenadines. It is in these two appointments that can be found the earliest foreshadowing of the later crown agents' office.

In 1764 both these colonies, Quebec and Grenada, had but recently passed under British control. Both were amongst the gains of the Seven Years' war, and their government had been provided for by the Royal Proclamation of 7 October 1763. In neither colony, however, was it found possible to establish immediately the elective assemblies contemplated in the proclamation. In Grenada and its dependencies various questions arose

¹ The warrant of appointment is in T. 52/44, pp. 558-60; accounts in A.O. 1/1301; cf. warrant appointing army agents, e. g. Thomas Marriott, T. 52/43, p. 126.

² C.O. 323/219 Treasury. Letter dated 12 June 1835.

³ I am doubtful whether this term was used in the eighteenth century. The early nineteenth-century meaning was 'conquered possessions'. By the end of the first quarter of the century it came to be used also as meaning a colony without a representative assembly: such colonies were in fact controlled more than others by the colonial office; and so it came to have its modern meaning of a colony under colonial office rule, with or without a representative assembly.

Crown agents served colonies, such as the Bahama Islands, which could not at that time be called crown colonies. The colonies which they served were alike only in one particular, that they received parliamentary grants.

⁴ Warrant of appointment, T. 52/48, pp. 483-4; accounts, A.O. 1/1302-8.

which led finally to the division of the colony into four governments, each of which within five or six years acquired an assembly. In Quebec no assembly met until 1791. It was during this interval between the end of the Seven Years' war and the meeting of these assemblies that this experiment in the agency took place. It may have been that from the first it was intended to be temporary.

Cumberland and Langham were both appointed by royal warrant, the terms being exactly identical in the two cases. The wording is of some interest. On the same day as they were issued two more warrants appointed agents for East and West Florida, the other two governments established under the proclamation of 1763. These were definitely crown agents. A comparison of the wording of the two types of warrants is instructive. The crown agents were appointed

to be the Agent on the behalf of the public as well for receiving all Monies that shall be issued for the service of Our province of — in America as for Transacting the affairs and carrying on y^e necessary Correspondences of and for Our s^d province To hold the s^d Office unto him the said — during Our pleasure Hereby charging & requiring him diligently to render unto us due & regular Accounts of all such sums of money as shall be issued to him or come to his hands on Account of or for the service of the s^d province and in all matters and things whatsoever relating to the Execution of the s^d office to observe and follow such Orders Rules and Instructions as he shall from time to time receive from Us or from the Commissioners of Our Treasury or Our high Treasurer or the Comm^{rs} of Our Treasury or Our Comm^{rs} for Trade and plantations for the time being in that behalf.

They are further charged to pay over duly the moneys issued to them, retaining £200 a year for salary and expenses, and they are required to 'give security . . . to the good liking' of the treasury.¹

The agents for Quebec and Grenada were appointed by a shorter instrument.² The opening phrases are exactly similar to those of the other warrants, being indeed common form for documents of this kind; then they continue by appointing the agents:

to be the agent on the behalf of the public for Transacting the affairs and carrying on the necessary correspondence of and for Our province of — Hereby Giving and granting unto him full power and Authority by all Lawfull ways and means to aid and protect as well all our merch^{ts} and other Our subjects trading or that shall trade in Our said Province or within any part thereof and also all and every their Goods and Merchandizes there and their ships vessels and Trade aforesaid. To hold the s^d office unto him the s^d — during Our pleasure And we do hereby charge and require him

¹ T. 28/1, p. 13.

² *Ibid.* p. 14.

diligently and carefully to discharge the Duty of the said office in all matters and things whatsoever relating to the execution thereof. And to observe and follow such orders Rules and Instructions as he shall receive from time to time from Us or the Commiss^{rs} of Our Treasury or Our high Treasurer or the Comm^{rs} of Our Treasury or Our Comm^{rs} for Trade and plantations for the time being in that behalf. Given at Our Court at St. James on 2^d day of April 1764 in the 4th year of Our Reign.

The omission of the clause referring to the issue of moneys is clear enough, and explains the further omission of the directions as to accounts of salary and the giving of security. The difficulty arises as to the meaning of the additional clause giving authority to aid and protect merchants. This is taken word for word from another type of warrant appointing agents of yet another variety, generally known as 'king's agents'. They differ from every other kind of agent because they are representative not of the colony or any section thereof but of the Crown, and their office is undertaken in the colony, not at home. Thus Corbyn Morris in 1745 was appointed king's agent for Newfoundland, Cape Breton, and Nova Scotia;¹ he, like Cumberland and Langham, was given full power and authority,

by all Lawfull ways and Means to aid and protect as well all our said Merchants and others our Subjects Trading or that shall Trade in Our said Islands or Province or within any part thereof, and also all and every their Goods and Merchandises there and their Ships Vessels and Trade aforesaid. To have hold and Execute the said Trust and Employment of Our Agent in Our Islands of Newfoundland and Cape Breton, and in the Province of Nova Scotia or Acadie aforesaid during Our Pleasure.

In this warrant there is no reference to transacting affairs or carrying on correspondence, nor to obeying the instruction of the treasury. The agent was an agent 'for' and 'in' the colony; he had no functions on its behalf at home. Yet the phrase relating to the encouragement of merchants is verbally the same in the two classes of documents.

There is, fortunately, no doubt that the agencies of Cumberland and Langham were not of this type. Of the history of Purbec Langham little is known; probably his agency for Grenada was a short one, since that colony maintained a colonial agent from 1771. For Cumberland, however, there is plenty of evidence available, both in his own *Memoirs* and in official papers relating to Quebec. From the former it is clear that he was resident in England in the years following 1764, fulfilling his many offices; from the latter some information is obtainable as to the nature of his agency for Quebec.

In origin it is possible that Cumberland was intended to be

¹ T. 52/43, pp. 270-1. The warrant is followed by an authorization for the payment of a salary of £300 out of the proceeds of the 4½ per cent. duty.

a crown agent for Quebec, as he was already for Nova Scotia. This at any rate was the view of the board of trade in 1769.¹ It had been anticipated that a 'parliamentary allowance' would be necessary for the colony, and so a crown agent was appointed to receive the money from the treasury; the agency was continued when the idea of a parliamentary grant was abandoned simply because Cumberland had 'great merit in his publick service in other stations', and was therefore a deserving object for a salary. This view, however, does not explain the peculiar character of Cumberland's warrant of appointment, and it seems more probable that in 1764 there was a real uncertainty as to the nature of the agency. Perhaps at that time the difference between a crown and a colonial agent was not very clearly understood, and the office was created rather because some agent seemed necessary than for the performing of any specific service. There is, also, a personal factor to be considered. Cumberland secured the appointment through the patronage of George Grenville,² and the desire to exercise patronage may well have been one reason for the action.

When once Cumberland had been appointed the task of securing the suspension was a difficult one, and all the attempts of the colony to secure relief from the burden of his salary were in vain:³ he was 'an old servant of the Crown who has fill'd confidential situations', and he could not be turned out. He remained in office, therefore, until his death in 1811, and by that time the office was so well established that a successor was immediately appointed.

The second agent for Lower Canada, Adam Gordon, left further important information as to the character of his agency.⁴ He refers to himself as Cumberland's successor, and states that they both received salaries of £200 a year. His business he describes as mainly to act under instructions from the governor, looking after the confirmation of colonial acts, seeing petitions, appeals, instruments appointing members of council, and other such matters through the difficult passage of government departments. In fact he fulfilled, according to his own statement, the chief functions of a colonial agent; it was as a colonial agent that he regarded himself, and his office is so described by the colonial secretary from time to time.⁵ If he did any business⁶

¹ C.O. 43/2, p. 132. Report to the committee of the privy council for plantation affairs, 10 July 1769.

² Chatham Papers, 346. Letter from Richard Cumberland, 20 December 1786.

³ e. g. in 1786. C.O. 42/49, pp. 855-7, Dorchester to Sydney, no. 4, 8 November 1786. The salary was paid out of the 'civil establishment' of the province.

⁴ C.O. 323/317 Treasury, Adam Gordon to Viscount Howick, 24 January 1832.

⁵ e. g. by Lord Bathurst, C.O. 43/25, letter dated 10 September 1821.

⁶ It is doubtful whether he really did much at all. Occasional letters in the

his services were little appreciated in the colony, and repeated efforts were made to substitute for him a colonial agent of the normal type.¹ The office of Cumberland, therefore, which was at first more closely connected with the crown agencies than the colonial, now approximated to the latter, and this gives it importance in connexion with the development during the Napoleonic war of a new type of colonial agency, from which the present office of the crown agents was to evolve.

Adam Gordon differed from his predecessor in one important point, bringing him directly into line with the recently developed colonial agencies of the Napoleonic wars. The curiously worded instrument appointing Cumberland and Langham was never repeated. Gordon's appointment, and his dismissal, were much less formally accomplished. In 1828 his office was abolished by the 'consent' of the home government upon an address from the assembly; but no instrument seems to have been necessary, and Gordon himself was left to infer his dismissal from the non-payment of his salary. And so with his appointment. His own account of the matter was that he succeeded Cumberland 'through the recommendation of the Governor Sir George Prevost, with the sanction of Earl Bathurst, the Secretary of State'.² With Prevost he was well acquainted, since he had been crown agent for Nova Scotia when Prevost was lieutenant-governor; but Bathurst seems to have been his real patron. It is significant that attempts to be rid of him failed until Bathurst's retirement from the secretaryship, and then they succeeded immediately. Probably the appointment was a private arrangement between Prevost and Bathurst.

If the method of Gordon's appointment distinguishes him from both crown and colonial agents of the eighteenth century, it emphasizes his identity with the new type of colonial agency which was the product of the Napoleonic wars. The first of these was that of the Cape, to which William Huskisson was appointed in 1798.³ There was one for Ceylon established in 1801, which also went to Huskisson.⁴ Gordon himself held an agency of this

correspondence of the colony show that the post was not wholly a sinecure (cf. C.O. 42/197, agent's letter dated 15 July 1823). But the records of council and assembly suggest that his services were negligible (see especially C.O. 45/70, pp. 16-22).

¹ i. e. by the assembly in the years 1807-27. The existence of Adam Gordon stood in the way. In 1821 they petitioned for his dismissal. 'Resolved . . . that the Agent of this Province has . . . been unnecessarily appointed in a manner different from the agents for most other British Colonies, and has therefore no services to perform for this Province' (C.O. 45/69, p. 321). In 1828 a further petition was granted (C.O. 45/85, p. 32).

² C.O. 323/317 Treasury, letter dated 24 January 1832.

³ C.O. 49/1, p. 141, letter from Earl of Macartney, no. 34, 7 May 1798.

⁴ C.O. 54/5, instructions to Governor North, and C.O. 55/5, letter dated 5 October 1801.

kind for Demerara ; there was another for Berbice. St. Lucia, Trinidad, Malta,¹ and Mauritius also had agencies. These, excepting that of Lower Canada, were all connected with what were termed the 'new Colonies', that is, the colonies acquired during the Napoleonic wars. The agencies varied much in constitution and functions.² They were alike however in that none of them owed their origin to colonial acts, and this was inevitable since none of the colonies concerned, again with the exception of Lower Canada, had assemblies to legislate. The agent for Ceylon was appointed by governor and council ; so was the agent for Trinidad, although the council there was a body of disputed powers ; the South American colonies of Demerara and Berbice appointed their agents through the 'court of policy', a Dutch institution which survived the capture. St. Lucia, Mauritius, Malta, and the Cape had agents appointed by the governor alone. It is clear enough that these agents were intended to be, as they were called, colonial agents. The assumption at the time seems to have been that a colony must have a colonial agent, and if there was no assembly to legislate some other authority must act as the appointing power.³

As the early years of the nineteenth century passed, two characteristics appeared as common to these agencies, both of them inapplicable to the older type of colonial agency. In the first place their functions were almost wholly commercial or financial. Whatever the assertion of Adam Gordon, he probably did little real work, and this may have been true of some of the other agents ; but the functions for which they were appointed were in most cases to carry out the directions of the colonial or home governments in sending out materials requisitioned from home, looking after the placing of loans, attending to the recovery of over-payments. The work, like that of the modern office of crown agent, was commercial rather than political.

The second characteristic also provides a link with the modern office. From very early years, whatever the formal authority for appointment, the choice of the agent was a perquisite of the colonial secretary. The tradition of official nomination perhaps goes back as far as the time of Cumberland, when he, himself a member of the plantation office of the board of trade, received the agency through the patronage of Grenville. So, too, Gordon owed his appointment to Bathurst. But if the tradition was long

¹ Information as to the agent for Malta can be found in T. 64/75, pp. 144-7, 207-8, 217-19, 315, 326, 329.

² Cf. 'Returns of the Names of the Agents for the New Colonies of Ceylon, Mauritius, the Cape of Good Hope, Malta, &c.', *Parl. Papers*, 1822, xx. 1 (H. of C. 377 of 1822).

³ In accordance with this principle other colonies obtained agents of this type later, e. g. New South Wales in 1822 (C.O. 202/9, Bathurst to Brisbane, 1 September 1812).

lasting, it was not made certain without a struggle. That it was accepted without question in the years before the constitution of the crown agents was due to the issue of two struggles, one between the treasury and the colonial office over the agency of the Cape, the other over the agency of Trinidad between the colonial secretary and the governor and council of the island.

The question of the Cape was easily settled. In 1806 Windham was at the colonial office and Grenville was first lord of the treasury, and there was a vacancy in the agency of the Cape. Grenville offered the post to a nominee of his own, 'all colonial agencies having always been considered as in the disposal of the Treasury'.¹ Windham immediately questioned his right, and finally wrote a long letter explaining the mistake.² He was sorry to lose the patronage in this instance, but what he really cared about was the question of principle. 'It is not pleasant to stand recorded in an Office as the Chief in whose time patronage was lost.' Grenville had confused crown agents and colonial agents; or, as Windham put it, 'Agents appointed and paid here to transact the business of Colonies for which there are parliamentary grants, and Agents appointed and paid abroad, and paid out of the Revenues of the Colonies'. In the former case the treasury appointed; in the latter the colonial governments. Of the colonial agencies, Windham continued, there were two kinds: 'in the case of those settlements where there are Assemblies', neither treasury nor colonial office had any share in the appointment; in other colonies

where the Government resides in a Single Person, or is confined to a number who owe their appointment, more or less, to a Department here, there the influence of that Department finds its way, and the appointment is substantially made at home, tho' formally by the Government upon the spot.

That the department was the colonial office he was at some pains to prove.

The arguments of Windham were undoubtedly accurate, and the colonial office monopoly does not seem after this to have been questioned. In 1806, however, the extent of the influence of the home government in the appointing of agents was not yet decided; for at that time it was in the midst of the struggle over the agency of Trinidad. The difficulty started almost from the first settlement of the island under British rule. On 4 February 1802 Lord Hobart, who had recently taken over colonial business as secretary of state for war and the colonies, wrote to Governor Picton urging the appointment of an agent, and suggested a suitable

¹ Brit. Mus. Add. MS. 37847, pp. 83-5, Grenville to Windham, 10 June 1806.

² *Ibid.* pp. 87-8, Windham to Grenville, 16 June 1806 (*Windham Papers*, ii. 310-13).

candidate, Charles Cameron.¹ The government of the colony had, however, already taken action, appointing on 7 December 1801² William Knox, a veteran in the struggle for agencies. Shortly afterwards Knox resigned, worn out with many offices, and the governor and council therefore obediently appointed Cameron: this was on 20 January 1803. Almost immediately, however, Cameron was made governor of the Bahama Islands, and the agency for Trinidad was once more vacant. Thereupon the struggle started. Lord Hobart nominated one T. C. Maling, whom the island appointed by resolution of council on 21 April 1804.³ A few months later they made a further appointment of their attorney-general, Archibald Gloster, who was sent home to look after certain matters in which the colony was interested.⁴ For nearly two years he served the colony, and then upon his return to the island a fresh appointment was made of Joseph Marryatt on 25 June 1806.⁵ For some time the colony's actions seemed successful; Marryatt was accepted as agent. In 1807, however, Castlereagh became secretary of state for war and the colonies, and early in the following year he wrote to the governor of Trinidad protesting against the irregular appointment of Marryatt; Maling was the only recognized agent.⁶ In a private letter written at the same time he gave reasons for his insistence:

There is at present in Trinidad no regular form of Government analogous to the old Governments of the other West India Islands, but the Island is governed by His Majesty's Prerogative in consequence of the capitulation as you have repeatedly been informed.⁷

The governor and council were faced with some difficulty. They stated hastily that the appointment of Gloster and Marryatt was not intended 'to operate to the Prejudice of those Persons whom His Majesty had been graciously pleased to appoint'.⁸ Finally, as a compromise, it was agreed that Marryatt and Maling should act as joint agents, each receiving half the salary

¹ C.O. 296/4, pp. 61-3, and T. 64/86, pp. 22-4.

² A paper headed 'Statement respecting the Agency of Trinidad' is in C.O. 295/20. It is anonymous, but was probably the work of Joseph Marryatt. Most of its facts can be checked by reference to the colonial correspondence and Minutes of Council. For the resolution of council appointing Knox in 1801 reference to the minutes is not possible, as there are no such records before 1803. The statements are confirmed, however, from other sources.

³ C.O. 298/1. This resolution is omitted in Marryatt's statement, although he referred to it later in the paper.

⁴ C.O. 298/1, Minutes of Council, 27 September 1804.

⁵ The Minutes of Council are missing from 1 May to 23 July 1806. Evidence of this appointment is to be found in the findings of a committee directed to report on the agency (C.O. 298/4, Minutes of Council, 18 April 1810).

⁶ C.O. 296/4, Castlereagh to Hislop, 4 February 1808.

⁷ *Ibid.* 'Private', 4 February 1808.

⁸ C.O. 295/19, Hislop to Castlereagh, 17 March 1808.

of £500 originally granted to both.¹ This position was disturbed by Maling's death in 1810. Thereupon the secretary of state, the earl of Liverpool, recommended Robert Willmot,² asserting that it was his 'indispensable Duty to uphold the Right . . . constantly maintained' by his predecessor.³ Governor Hislop complied with his directions, but in face of the opposition of the council, and Marryatt refused to recognize its validity. A little later, however, Marryatt became involved in disputes with the colony, and the end of the struggle left the right of recommendation in the hands of the secretary of state. Marryatt's successor, Henry Cutler, was appointed without any challenge to this right.

By the time therefore that the end of the Napoleonic wars confirmed finally the British rule of these colonies, the question of the agency had been settled. The 'new colonies' maintained agents appointed formally by their own government,⁴ but as a result of a decisive recommendation from the secretary of state. The right of patronage thus obtained was repeatedly practised, clerks at the colonial office being most frequently favoured. Before long the succession to the agencies was looked upon by the senior clerks 'as an advantage which they might reasonably expect'.⁵ In 1833 six out of the nine agencies were held by colonial office clerks.

The system did not work satisfactorily. 'Frequent and grave complaints' were made by the colonial governments, and these led to the proposal for reorganization in 1833.⁶ It was a joint decision of the treasury and colonial office, and had probably the two objects of greater economy and improved working. By the new arrangement most of the agents were pensioned off, and two of their number, George Baillie and Edward Barnard, were to do the work of them all. They were to give up their other official duties and concentrate entirely on the agencies. They were given the new title of 'agents general for the crown colonies',

¹ C.O. 295/21, draft to Hislop, 10 June 1809; C.O. 295/22, Miscellaneous, letter from Maling and Marryatt, endorsed 'Copy sent to Governor Hislop 10 June 1809'.

² C.O. 296/4, Liverpool to Hislop, 4 August 1810.

³ C.O. 296/5, Liverpool to Hislop, 29 December 1810.

⁴ In 1806, in the course of a controversy over the election of William Huskisson for the borough of Liskeard, it was alleged that the agency for Ceylon was a place of profit under the Crown and disqualified him from a seat in parliament. The argument was defeated on the ground that the office was held under the government of Ceylon. Cf. *Commons' Journals*, lxii. 27, 140. The evidence given upon this occasion was quoted by Marryatt in his 'Statement respecting the Agency of Trinidad' (C.O. 295/20).

⁵ 'Papers Explanatory of the Functions of the Crown Agents for the Colonies', *Parl. Papers*, 1881, lxiv. 589 (C. 3075).

⁶ *Ibid.* The correspondence relating to the change is in C.O. 323/217, 219, and subsequent volumes.

a title which becoming later 'crown colony agents' has now been changed to crown agents for the colonies. From the time of their appointment the office has had a continuous history. It has undergone important reform,¹ it has expanded to a large building and a numerous staff;² but the office has remained essentially the same. The agents are still as they were in the beginning, 'commercial and financial agents', unconcerned in political matters; they still hold a dual position under the colonial governments and the secretary of state for the colonies. In their development, as in their origin, they have remained an institution peculiar to crown colonies, in whose service they have an established place.

LILLIAN M. PENSON.

¹ Especially in 1858-63 under Sir Penrose Julyan, *Parl. Papers*, 1881, lxiv. 589 (C. 3075). See also *Parl. Papers*, 1909, xvi. 377, 403 (Cd. 4473 and 4474 of 1909).

² *Colonial Office List*, 1923, pp. xxi-xxiii.

The 'Dreikaiserbündnis' and the Eastern Question, 1871-6

THERE has been a tendency in the English accounts of the Eastern question in the period after 1870 to exaggerate the importance of British intervention in Turkish affairs.¹ This is perhaps inevitable in an estimate of English foreign policy, but the impression sometimes conveyed that England acted as the mainspring of European diplomacy in moments of crisis in the East is at least misleading. The object of this article is to correct this insular view by tracing the diplomatic importance of the alliance of the three emperors and the part played by the eastern powers in the attempt to create a substantial basis for the pacification of the Balkan lands.

In the decade of congresses in the early nineteenth century the Holy Alliance expressed a common sentiment which was frequently revived. Conceived at first as a union of royal hearts against revolution it came, in the congress of Troppau of 1820, into the sphere of governments, and was the occasion of Castlereagh's definite breach with the Quadruple Alliance. The English minister declared that this 'neo-Holy Alliance', as it has been aptly called, was an unwarranted extension of the guarantees of 1815. Canning at Verona adopted the same attitude, and in December 1824 declined to attend a congress on Turkish affairs on the ground that the 'concert' had no right of interference in the internal affairs of a European state. The English attitude undoubtedly broke the concert of Europe, but the principle of combined action in the Eastern question lived on, above all in the Holy Alliance group, which restored a united Europe at the close of the century in the great congress of Berlin. The Holy Alliance had been created to meet the revolutionary tendencies in the nascent national states of central Europe; the *entente* of the emperors was necessitated by the absence of a permanent body to control the rising tide of nationalism in the Balkans. It was

¹ See e. g. the *Cambridge Hist. of British Foreign Policy*, iii. 98: 'It is not too much to say that from that time forward' (Berlin Memorandum, May 1876) 'until the eve of the settlement of the Eastern Question, the main lines of Turkish policy were determined in London.'

the resurgence of the Eastern question after the Franco-German war that brought it about. The recent publication of the German state papers throws new light on the relations of the three eastern powers¹ and the establishment of the *Bund*. Bismarck, then at the zenith of his power, sought to arrange German affairs in accordance with the needs of a 'satiated' state. He was not concerned with the development of general European interests. He showed complete indifference to the Eastern question, which he regarded as only of importance in so far as it affected the relations of the powers to Germany and to one another. His main concern was the attitude of Austria and Russia towards Germany and towards each other. He was resolved, whatever might happen, to keep the peace with Austria, whose existence as a strong independent power he considered essential to German security, and to the last he believed that a war with Russia would be calamitous. Bismarck wished Germany to be the *trait d'union* between Austria and Russia, but he never desired to create anything like a triple military alliance. He preferred dual understandings with Russia and Austria, and encouraged both to settle amicably between themselves their eastern policy. There is no evidence that Bismarck himself wished to do anything but prevent the Eastern question from spreading, and to keep it essentially an 'oriental' question.

The period 1871-6 was full of 'unofficial' negotiations. It was a time of special secret missions and private exchanges of opinion which were in fact more important than the official business which followed the ordinary channels. The periodic reunions of the emperors and the exchange of cordialities in Austrian watering places resulted in the development of certain diplomatic instruments which anticipated in some degree the rising of the Eastern storm and provided the basis of all the later negotiations down to 1878. Although the diplomacy of the time is, as a result of these circumstances, extremely obscure, the main stages in the development of the *Dreikaiserbund* are fairly well defined. In June 1871 the Tsar Alexander visited his uncle in Berlin, and in December of the same year a military delegation from Prussia, headed by Prince Frederick Charles, the emperor's nephew, and including Moltke and other generals, made a return visit to Petersburg on the occasion of the festival of St. George. The first meeting of the Austrian and German emperors after the war of 1866 took place on 11 August 1871 at Ischl and Salzburg. The tsar complained to Prince Reuss, German ambassador in Petersburg, in April of the following year, of his disappointment in not being invited on that occasion. The Emperor William impressed on Francis Joseph the advisability of an understanding

¹ *Die Grosse Politik der Europäischen Kabinette (1871-1914)*, vols. i-iii, 1922.

in view of the Slav danger in the dual monarchy, and hinted that the removal of Beust would be the first step towards an 'accord'. Simultaneously Bismarck and Beust were in conference at Gastein, and the presence of the ministers-president of both halves of the monarchy enabled the former to come to closer quarters with Count Andrassy. Nothing but an *accord verbal* resulted at Gastein, but on 14 November Beust was replaced by Andrassy. When Novikoff, the Russian ambassador in Vienna, discussed the interview with his German colleague, General von Schweinitz, the latter said that Germany had promised 'la vie' to Austria in exchange for her friendship.¹

In April 1872 the Emperor Francis Joseph expressed through Andrassy a wish to attend the autumn manoeuvres in Germany.² The tsar was again not invited, and on 15 July, during a review of the Russian fleet, discussed the matter with Prince Reuss. He said: 'Have they not written to you from Berlin whether they want me there at the same time as the emperor of Austria? Do you think that would please the king?'³ Reuss replied that he had received no instructions, but hinted that the prospect of the tsar's immediate departure on his visit to the Cossacks of the Don might account for the omission. In his dispatch to the Emperor William, Reuss, who was a close companion of the tsar,⁴ undertook the delicate task of requesting an invitation in his name. He referred to the tsar's pacific leanings, his desire for a reunion of 'the three northern powers', and his hopes thereby 'to end at one stroke all the desires of France for vengeance through which the peace is constantly menaced'. He said, further, that the tsar would not be disinclined to make an offensive and defensive alliance with Germany 'on the basis of a territorial guarantee'. Prince Reuss presumably wished to strengthen his plea by discountenancing, as far as his friend was concerned, the supposed Francophil tendencies in Russia. Towards the end of July the invitation to the tsar was sent. In a letter of 29 July⁵ the German emperor informed Francis Joseph that he had not discouraged the tsar, as he considered the interview would have the inestimable advantage that 'the subversive elements in Europe speculating on war and unrest would be discouraged'.

The conference of emperors in Berlin during the first weeks of September 1872 marked another stage in the foundation of the *Dreikaiserbund*. Gortchakoff, who was present with Bismarck

¹ Goriainoff, *Le Bosphore et les Dardanelles*, p. 304.

² *Die grosse Politik*, i, no. 120, dispatch 17 April 1872.

³ *Ibid.* no. 121, dispatch 16 July 1872.

⁴ See Rumbold, *Recollections of a Diplomatist*, ii. 269, where Reuss is described as the emperor's 'habitual camarade de chasse'.

⁵ *Die grosse Politik*, i, no. 123.

and Andrassy, felt the results to be gratifying: 'C'était une œuvre de paix et de réconciliation ; ni écrivaineries ni protocoles ; aucun engagement positif qui modifierait notre liberté d'action ; en un mot rien pour les archives diplomatiques, mais le résultat moral est immense.'¹ Although the Russian chancellor told the Emperor William that 'everything had been arranged' by the three ministers,² Bismarck declared that this was far from being the fact and that he had never consulted Gortchakoff and Andrassy together.³ He added that both ministers shared his view that 'if any attempt were made to draw up a convention the good effect and the beneficial results would be weakened'. Bismarck said that the one subject on which some understanding was reached between the Russian chancellor and himself concerned the private financial affairs of the ex-king of Naples. The 'work of peace and reconciliation' achieved at this Berlin meeting was scarcely more than an affirmation of Holy Alliance principles—the preservation of the territorial status in Europe, the control of revolutionary tendencies—and there was no specific reference to the Eastern question. There was talk of a military triple alliance even at this stage and especially on the Russian side. The Russian general, Count Berg, was its principal advocate. Berg had seen service in Naples, Vienna, Constantinople, Poland, and the Aral region. His suppression of the Poles in 1863 was the darkest page in a distinguished record of service. One of the most trusted of the tsar's military diplomatists with a wide experience in Russian foreign affairs, Berg had presented his plan in 1872, evidently not for the first time, to the tsar. The plan was for 'a triple alliance which should impose peace in Europe and allow a reduction of the standing armies'.⁴ But the Berlin meeting, as Berg understood, was too premature for such a project. The mutual regard of the emperors of Russia and Austria was still too recent a development, and moreover the diplomatic 'scene' of Berlin was against the success of an alliance to be made by the emperors as heads of armies with the counsel of their leading officers. Indeed, the tsar had ordered Berg to say nothing to Gortchakoff of his project during the Berlin meeting, and there the idea was not broached.

In February 1873 Reuss reported to Bismarck that Count Berg had again revived his project in concrete proposals.⁵ There was to be a military convention between the three sovereigns

¹ Goriainoff, p. 307.

² *Die grosse Politik*, i. no. 124. A marginal note of the Emperor William shows that Gortchakoff had announced this to the emperor in the presence of the French ambassador.

³ *Ibid.* no. 125.

⁴ *Ibid.* no. 121, Reuss's dispatch of 16 July 1872.

⁵ *Ibid.* no. 126, Reuss's dispatch of 10 February 1873.

for mutual aid in case of attack, and Berg considered that in the first place it should be an agreement between Alexander and William, and that Francis Joseph should later be invited to accede.¹ Each sovereign was to promise to hurry 200,000 men to the help of him whose territory should be attacked, and there was to be no compensation beyond the provision of army victuals on the territory which had called for aid. Reuss saw in such a scheme a security for Germany against French threats and an opportunity to reduce considerably the army budgets of all three powers.² The Russo-German military convention was made at St. Petersburg during a week's visit (1-8 May 1873) which the Emperor William made accompanied by Bismarck and Count Moltke. The visit was timed to be completed before the shah of Persia came to the Russian court in the second week of May. The document, which consisted of three articles, was signed by the two field marshals, Moltke for Germany and Berg for Russia. The stipulations were these :

1. Si l'un des deux empires étoit attaqué par une puissance européenne il sera secouru dans le plus bref délai possible au moyen d'une armée de deux cent mille hommes de troupes effectives.

2. Cette convention militaire est conclue dans un esprit qui n'a rien d'hostile envers aucune nation ni aucun Gouvernement.

3. Si l'une des deux parties contractantes désiroit dénoncer la présente convention militaire elle sera tenue de le faire deux ans (vingt-quatre mois) avant qu'elle soit considérée comme annulée, afin de donner à l'autre partie le temps de prendre les arrangements qui seront à sa convenance.³

The convention was ratified by the emperors on the day of signature.

The tsar in the same month went to Vienna. On 10 June he informed the German emperor that his visit to Francis Joseph had accomplished the *entente à trois*. The tsar, without informing the Austrian emperor of his convention with Germany, suggested such a military arrangement with Austria, but neither Francis Joseph nor Andrassy wished to consent to it. The form of a military convention, they complained, involved constitutional difficulties.⁴ Gortchakoff and Andrassy had, as an alternative, drawn up an engagement between the sovereigns to which Alexander, without consulting his uncle, had adhered. This was the now famous convention of Schönbrunn, which was signed *en double*, so that a copy might be sent to the Emperor William. The tsar expressed the hope that William would sign also when

¹ Bismarck has a marginal note, 'No use if Austria does not accede'.

² Bismarck commented on this that it would be safer to rely on one's own troops (marginal note on no. 126, *Die grosse Politik*, i).

³ *Ibid.* no. 127.

⁴ *Ibid.* no. 128, letter of tsar to Emperor William, 29 May/10 June.

next he visited Vienna. At this stage Russia seemed to have become the *trait d'union* between Germany and Austria. Having made a Russo-Austrian instrument the tsar informed Francis Joseph of his arrangement with Germany, and in his letter to William expressed the hope that this disclosure would not prevent the German emperor's signing the Austrian convention.

The Drei-Kaiser Convention actually came into being on 22 October 1873 with the accession of the Emperor William to the convention of Schönbrunn of 25 May/6 June 1873. This contained four main clauses :

(a) A mutual promise of the signatories to concert action even when the interests of their states were divergent.

(b) In the event of aggression on the part of a third power a mutual consultation between Austria and Russia to decide on a line of action before either power contracted any new alliances.

(c) In the event of military action thereafter, a special convention was to be made.

(d) If one of the contracting parties wished to renounce this act, two years' notice was to be given.¹

These stipulations seem to imply the approach of a conflict of arms. As early as 1857 and again in 1867 there had been insurrectionary outbreaks among the agrarian peoples of the northern confines of Turkey. It was certain that the next European disturbance would originate in the territory of Turkey, and the convention of 1873 was a preparation for the opening of this new oriental crisis. That Germany was not consulted is not surprising, for Bismarck had given his neighbours *carte blanche* in eastern affairs provided there was an amicable agreement between them. At the time of the Petersburg meeting, in confirming his friendship for Russia Bismarck had said that an intimate *entente* with Russia was the only rational policy for Germany, who could never forget the services which Russia had rendered ; and further, he went on to say that :

le seul moyen qu'elle avait de témoigner sa gratitude était de mettre tout le crédit qu'elle pouvait avoir en Orient à la disposition de la Russie, et qu'il venait d'envoyer des instructions catégoriques à ce sujet aux agents diplomatiques d'Allemagne en Orient.²

The terms of the Schönbrunn convention were too indefinite to provide a working basis for Russo-Austrian policy, and it was realized that a further instrument would be required to define the interests of the two powers. The internal situation in the dual monarchy caused Andrassy to hesitate before committing himself to any new arrangement. The philo-Turk Magyar party,

¹ *Die grosse Politik*, i, no. 129 ; also Pribram, *Secret Treaties of Austro-Hungary*, ii.

² Goriainoff, p. 308 (Gortchakoff's correspondence).

and the Austrian Germans objected to an increase in the Slav population of the monarchy proper. The Slav party wished to have an arranged programme with Russia for the Balkan lands.

The long-expected insurrection of the Balkan Slavs broke out in July 1875 in the Herzegovinian portion of the Bosnian vilayet. Volunteers poured in from Montenegro and Serbia to the aid of the rebels. When it appeared likely that Serbia would open hostilities with Turkey, the Austrian chargé d'affaires at Petersburg and Baron Jomini drew up a declaration to be presented to the Serbian government. This announced that the guaranteeing powers of the treaty of Paris could not preserve Serbia from a Turkish occupation if she committed aggressive acts against the Porte.¹ But when it was proposed that Austria should initiate action at Constantinople the Vienna cabinet declined. Andrassy in fact withdrew the Austrian consul from Constantinople in the belief that General Ignatieff was unduly influencing him,² and would entertain no idea of military pressure outside the Austrian frontiers. By the end of 1875 the friction between Bismarck and Gortchakoff which had arisen in consequence of the famous May circular to the Russian legations had diminished, and Bismarck in December urged the Russian chancellor to co-operate with Austria, adding that Germany would approve whatever decision was arrived at.³ A dispatch from Bülow to the German legations reporting the interview between the two chancellors confirmed the established principle of Bismarckian policy. It was impossible in the absence of agreement between Russia and Austria for Germany 'to take action on the side of one against the inclination of the other'. The purpose of this common policy was not to give the development of affairs in Turkey one direction rather than another, 'but to preserve the three emperors' alliance on the basis of liberty of action'.⁴

The *Dreikaiserbund* had kept the spirit of concert alive in eastern Europe, and the *entente* matured into an active policy in the 'Andrassy Note' and the 'Berlin Memorandum'. The outbreak of the Turco-Serb war in June 1876, however, put an end to all immediate intervention by the powers. The private negotiations went on. Early in 1876 Bismarck, in conversation with Oubril the Russian ambassador in Berlin, suggested a simultaneous *arrondissement* of Austria in Bosnia and Russia in Bessarabia, and although the idea is said to have been received with indignation at Petersburg it was in substance embodied

¹ Hanotaux, *Hist. de la France contemporaine*, iv. 69.

² *Ibid.*: telegram of Laboulaye, French chargé d'affaires in Petersburg. Andrassy thought that even Count Zichy, the ambassador, was too much under Ignatieff's wing, but of course could not recall him.

³ *Ibid.* p. 73.

⁴ *Die grosse Politik*, i, no. 130, 8 December 1875.

in the Reichstadt agreement of 8/13 July.¹ On the advice of his uncle and Bismarck at Ems, the tsar visited Francis Joseph at Reichstadt, and Andrassy and Novikoff there drafted a memorandum. In it provision was made for territorial readjustments in Montenegro and Serbia. What remained of Bosnia-Herzegovina was to be annexed ('serait annexé') to Austria. Russia was to resume her natural frontiers of before 1856 and to round herself off ('pourrait s'arrondir') in the vicinity of the Black Sea and Turkey in Asia, as an equivalent to the Austrian annexation. The Reichstadt meeting was followed by a conference at Salzburg on the 20th between the emperors of Austria and Germany, when the emperors' *entente* was reaffirmed. The declarations of war by Montenegro and Serbia, however, made it increasingly difficult for Russia to refrain from independent action. The grave diplomatic situation of the three eastern powers in the autumn of 1876 is indicated by the number of missions between the courts and the reassurances that were necessary to calm anxieties in Livadia and the Ballplatz.

The mission of Baron Manteuffel to Warsaw of 2 September was intended to efface the bad impression made by Bismarck's refusal to summon a conference of the powers.² Manteuffel was instructed to remove every possible thought of estrangement and to assure the tsar of the reciprocity of good relations.³ Gortchakoff demanded to know what Germany would do if the tsar was compelled to act alone, and Manteuffel assured him of German support. The Russian chancellor complained that he could not get such a categorical reply from Bismarck himself.⁴ The tsar wrote to the Emperor William (26 August/7 September) that he might be 'obliged to take a particular and separate position', and thanked his uncle for his personal assurances.⁵ In the following month Alexander again stated his intentions in more emphatic tones. He explained that it was impossible 'to continue the sterile work of diplomacy which for a year has compromised the dignity of the cabinets and which has only caused excitement without preventing or repairing anything'.⁶ He had therefore agreed with the Austrian emperor as to their attitude, and General Werder was to convey the details to the Emperor William. On the same day Schweinitz telegraphed to the German foreign office, 'Empereur me prie de ne rien télégraphier concernant traité Autrichien projeté. Il veut que notre Auguste Souverain l'apprenne par lettre autographe

¹ Hanotaux, iv. 104, from the correspondence of Decazes. See also text of Reichstadt agreement, first published by Dr. Pribram, *op. cit.*

² See Manteuffel's dispatch in *Die grosse Politik*, ii, no. 231.

³ Russian conduct in 1864, 1866, and 1870 was mentioned.

⁴ Goriainoff, p. 319.

⁵ *Die grosse Politik*, ii, no. 232.

⁶ *Ibid.* no. 254.

expédiée demain par Général Werder'.¹ Although the agreement was secret, the tsar had warned Francis Joseph of his intention to confide it to the Emperor William. Alexander would have preferred a less radical solution to the Eastern question by means of a series of autonomies and guarantees which would have prolonged the existence of the Ottoman empire, but he added, 'I do not wish to oppose the views of Austria. I will go therefore to the end in order to maintain intact the *entente à trois*.'²

The actual arrangement with Austria was secured by the mission of the Russian adjutant-general, Count Soumarokoff-Elston, to Vienna, 15/27 September 1876. The secret mission came as a surprise to Novikoff. The count had two letters, one from Gortchakoff to Andrassy³ and the other an autograph letter of the tsar.⁴ The Russian chancellor wrote: 'The moment is come to confirm the achievement [of the *entente*]. We can no longer allow events a free course. They concern our interests and our feelings as men and Christians.'⁵ In his letter the tsar proposed that if the sultan did not accept the reforms suggested by the powers, force should be used, namely that Austrian troops should enter Bosnia and the Russians occupy Bulgaria, while the naval forces of the powers should enter the Bosphorus to protect the Christians.⁶ On hearing these proposals Andrassy professed surprise, since at the Reichstadt interview in July there had been no mention of a Bulgarian occupation. This provided a good reason for refraining from immediate occupation of Bosnia. The attitude of England prevented a naval demonstration, and on 20 September/2 October Francis Joseph assured the tsar that he was agreeable to armed intervention by Russo-Austrian troops in the form of a definite occupation of the provinces.⁷ A week later Alexander proposed a further treaty with Austria to meet the inevitable war with Turkey. While awaiting the reply from Vienna Gortchakoff set out in a famous memorandum⁸ his proposals for the eventuality of an Austrian refusal to be bound by treaty. He considered the moment opportune for an immediate and energetic campaign. The Turks would be caught between two fires if the Russians entered by Bulgaria while Serbs and Montenegrins continued the struggle in the west. The Russians could give additional embarrassment by raising the Kurds and Armenians of Asia Minor. England he thought could do little harm, 'n'ayant pas d'armée de

¹ Cited in Wertheimer, *Graf J. Andrassy*, ii. 352.

² *Die grosse Politik*, ii. no. 254.

³ Wertheimer, ii. 341.

⁴ Goriainoff, p. 324, and Wertheimer, ii. 341.

⁵ Just before the arrival of the mission in Vienna Andrassy had said, 'At the not very cheerful eastern play, we are sitting in a box in front' (Wertheimer, ii. 341).

⁶ Wertheimer, ii. 341; Goriainoff, p. 322.

⁷ Goriainoff, p. 324.

⁸ *Ibid.* p. 325, 30 October.

descente'. Austria could occupy Bosnia to secure her frontiers without striking a blow. But in spite of all the favourable factors for Russian action he questioned the advisability of a 'coup d'audace' in the face of Europe.

At the close of October Novikoff impressed it on his government that Austria was unlikely to declare war on Turkey, and any occupation of Bosnia would be merely a precaution. This attitude was prompted by pacific opinion in Germany and Hungary, which compelled Andrassy to avoid all semblance of premeditated aggression or even of concert with Russia. Andrassy, however, was not prepared to admit that Serbia and Montenegro came within the Russian military sphere. He demanded that if Serbia and Montenegro should obtain an enlargement of territory, that should be determined for Serbia in the limits of Bosnia and Herzegovina exclusively under Austrian control, and for Montenegro in Albania and Old Serbia after an agreement between Austria and Russia.¹ Gortchakoff, in his reply through Novikoff, said that Andrassy had lost sight of the distinction of benevolent neutrality not only from absolute neutrality but even from 'veiled hostility' under the appearance of neutrality. The pretension to forbid Russian action in Serbia and Montenegro revealed sentiments which Novikoff must meet with vigour, as also the attempts on Austria's part to win Montenegro 'à se séparer de toute solidarité avec la cause générale des chrétiens d'Orient'.² Andrassy's intention of course was that Serbia, Montenegro, and the part of Herzegovina dividing them should be neutral ground, inaccessible to Russian troops as to Austrian, and keeping them from immediate contact. There were numerous exchanges of opinion at this time on the question of Herzegovina. Gortchakoff went so far as to say that Herzegovina was not in the Reichstadt programme. Novikoff, on the other hand, thought it advisable to cede Herzegovina to Austria, and so further promote an Austrian rupture with the Porte. The English cabinet was not averse to the Bosnian occupation. As M. Goriainoff has said, 'Le cabinet anglais si contraire à notre entrée en Bulgarie se montrait indifférent à une occupation autrichienne des provinces limitrophes'.³

At the close of 1876 Austro-Russian relations did not suggest an agreed policy. Gortchakoff himself wrote at the conclusion of a letter to his Vienna ambassador: 'malgré la confiance que nous avons placée dans l'individualité d'Andrassy, nous devons y reconnaître les traditions qui ont toujours rendu difficile une entente avec l'Autriche.'⁴ That the triple *entente* was kept

¹ Letter of 16/25 November in Goriainoff.

² Goriainoff, p. 331.

³ *Ibid.* p. 332.

⁴ *Ibid.* p. 331, letter of 23 November 1876.

united and a definite agreement between Austria and Russia finally achieved was due to Bismarck.

The idea that the German detachment from Russia and the Austro-German alliance date from the autumn of 1876 has really little foundation in fact. Bismarck was under no immediate necessity to make a choice between his friends, and the often-quoted passage in the *Reflections* contains nothing that indicates so decisive a step. It merely reads :

We could endure indeed that our friends should lose or win battles against each other, but not that one of the two should be so severely wounded and injured that its position as an independent Great Power taking its part in the councils of Europe would be endangered.¹

When Oubril in the spring of 1876 wrote to the Russian chancellor² that Bismarck had always said that between Austria and Russia his choice was made, and that Russia had the preference, he was misinformed. The imperial chancellor and the foreign secretary had little confidence in Oubril, whom they suspected as a Francophil,³ and it was even hinted that his presence in Berlin was a slight to Germany.⁴ The result was that Russo-German negotiations at this time took place mainly in Petersburg between the German ambassador Schweinitz and the Russian court, and in direct correspondence between the emperors and the two chancellors. In the beginning of October 1876 General von Werder communicated to Berlin certain questions from the tsar to the Emperor William. The answer to these is contained in an instruction of the German foreign secretary to Schweinitz of 23 October.⁵ Schweinitz was just about to return to Petersburg, and Werder was informed by telegraph that the ambassador would bring personally the 'oral answers' to the questions that had been put. The tsar was at the time inspecting troops in the Crimea, and Schweinitz was ordered to be in readiness to go there if necessary. According to the Russian statements the tsar had sent the questions which had been pressed by the Russian ambassador in Berlin on several occasions by Baron Manteuffel in September. That Manteuffel had conveyed the tsar's questionnaire was stoutly denied by Bismarck and Bülow.⁶ The imperial chancellor even went so far as to say that Oubril had invented the questions.⁷ The most important point was : 'What would be the attitude of Germany if Russia's dignity forced her

¹ *Reflections and Reminiscences*, ii. 231.

² Goriainoff, p. 316.

³ A month before Bismarck wrote : 'he will not handle the [Turkish] question honestly since in his heart he serves the pope.'

⁴ *Die grosse Politik*, ii, no. 262, letter of Bülow to Schweinitz, 26 November 1876.

⁵ *Ibid.* no. 251.

⁶ *Ibid.* ; cf. nos. 234 and 251.

⁷ *Ibid.* no. 234.

to go forward alone?'¹ On 1 October Werder telegraphed to Berlin that in the event of a war between Russia and Austria the tsar hoped that Germany would act as Russia had done in 1870.² This produced astonishment in the German foreign office, where the purport of the Soumarokoff mission had lately been revealed. Bismarck protested against the whole uncertainty and unfairness of unofficial negotiations, and accused Gortchakoff of putting questions through Werder which he dared not present through the ordinary forms of diplomatic intercourse. In the instruction of 23 October Schweinitz was ordered to say that in the event of a Russo-Turkish war Germany would strive to keep the peace between Russia and Austria, 'and these efforts, from what is known of Austria's views, would not be without success'. In the event of failure to prevent a conflict between the two powers 'nevertheless Germany would have no reason to abandon her neutrality'.³ Germany also promised to accede to the tsar's request to do all in her power to prevent England from entering into hostilities with Russia.

On 30 October Schweinitz went to the Crimea, where he had interviews with Gortchakoff and the tsar. The Russian chancellor was not satisfied. 'I want more', he said, 'and I shall tell Prince Bismarck so; he must speak; he must loudly declare that Russia has a right as the mandatory of Europe to make an end of intolerable conditions.'⁴ The tsar showed Schweinitz a long letter from Francis Joseph in which he agreed to the Russian proposal for a secret treaty to be made in Vienna, but including important reservations which indicated a lack of complete confidence. In a letter to Bismarck about the same time Gortchakoff said that what Russia wanted was not material aid but moral support 'publicly and tersely expressed',⁵ in what was not a German or Russian but a European question.⁶ Bismarck was considerably embarrassed by the confusion in the mind of the Russian chancellor between the two principal questions: Germany's attitude towards an Austro-Russian conflict, and her attitude towards the Eastern question. In his reply to the Russian chancellor, Bismarck assured him that his only wish was to accord Russia 'la réciprocité des bons procédés et de l'attitude amicale de la Russie en 1870'.⁷ The Emperor William urged a conciliatory attitude, at the same time promising

¹ *Die grosse Politik*, ii, nos. 234 and 251 (14 September).

² *Ibid.* no. 239.

³ *Ibid.* no. 251.

⁴ *Ibid.* no. 252, Schweinitz to Bülow, 1 November.

⁵ *Ibid.* no. 255, 21 October/2 November.

⁶ Gortchakoff said, 'La dignité de mon Empereur n'admet pas de tergiversations ni de stériles arguties diplomatiques'. Bismarck has a marginal note, 'Question européenne?' See also a strong passage on 'Europe' in no. 256.

⁷ *Ibid.* no. 259.

the tsar the traditional friendship, 'in the event of circumstances' forcing Alexander 'to consider the position and dignity of Russia'. This line of conduct would be facilitated, the German emperor thought, by the circumstance of its being in accordance with the views of Francis Joseph, 'whose political interests on the terrain of eastern affairs' were closer to Russia than to Germany.¹ He also expressed a hope that the approaching Constantinople conference might produce a solution 'which will do justice to the demands of the Christians while retaining accord between the powers'.

The sentiments embodied in this imperial correspondence were repeated in the more official communications. In a letter to Schweinitz of 16 November Bülow instructed the ambassador, in pursuance of the emperor's reply to the tsar,

that German policy in reference to Russia would be similar to that which the tsar had undertaken for us at that period [1870] as soon as Russia encountered a similar crisis.

We did not [he went on] desire at that time from Russia the conclusion of a treaty, and it was not offered us; in the present events it will not be necessary to have one to secure reciprocity.²

In a communication to Baron Werther, the German ambassador to the Porte on the eve of the conference of Constantinople,³ Bülow informed him of the 'recent intimate exchange of opinion' between Russia and Germany when 'benevolent neutrality' had been promised at Berlin. The German government, he said, had accepted the conference on the basis of the English programme.⁴ The attitude which the ambassador as representing Germany at the conference was to adopt was then defined:

If the imperial government in union with the other powers, and especially after the ascertained acceptance by the cabinets of St. Petersburg and Vienna, has acceded to this English programme as a basis for the further negotiations, it has nevertheless allowed itself to be guided in this respect by the principle that it little concerns German interests through what measures and in what form a regulation of Eastern affairs is concluded, but that we have a great interest that the agreement on this question should be achieved on a basis of the maintenance of good relations between the powers friendly to us.⁵

Werther was to refrain from any initiative at the conference without instructions from home, and was to adapt his action as hitherto 'to the requisite agreement to be established first' between Austria and Russia.

¹ *Ibid.* no. 258.

² *Ibid.* no. 260.

³ *Ibid.* no. 261, letter of 18 November 1876.

⁴ English bases for a conference, 5 September and 4 November.

⁵ *Ibid.* no. 261.

This was the principle of Bismarckian diplomacy in the Eastern question at this time and in all the subsequent negotiations which culminated in the definitive treaty of Berlin. German policy was to be so balanced as not to favour unduly one of her friends rather than the other. The ambassador in Petersburg was instructed to impress on Gortchakoff that as Germany had no special interest in the conference she would not be in the least inclined to allow herself to be used as a battering-ram against her own friends.¹ The absence of a complete agreement between Austria and Russia was a stumbling-block in the conclave of the powers. The difficulties were enhanced by fears in Vienna of a secret Russo-German agreement and by the non-committal attitude of Germany, to whom the terms for the secret agreement between the two neighbours had not yet been conveyed.² At the end of December the terms of the proposed convention between Austria and Russia were forwarded to Berlin simultaneously by the two powers. On 3 January 1877 Bismarck expressed his gratification in a note to Count Stolberg, ambassador in Vienna, in which he spoke of 'the danger of a conflict between our two friends and neighbours' as removed.³ The conventions of Budapest of 3/15 January and 6/18 March⁴ marked the culmination of the *Dreikaiserbündnis*. The Schönbrunn convention and the Reichstadt *pourparlers* were adequate bases for the more definite agreement which was now enacted. The new instrument was drawn up in two conventions, a military convention in January drafted by Andrassy and an additional political convention in March drawn up by Novikoff. Some of the more important stipulations of the military convention were as follows: (1) In the event of a Russo-Turkish war Austrian neutrality was guaranteed (Art. 2). (2) The two powers agreed to ask for only an autonomous régime for Bosnia and Herzegovina at the Constantinople conference, 'not too greatly exceeding the measure fixed by the dispatch of 30 December 1875',⁵ and the guarantees of the Berlin memorandum. Bulgaria was to have 'a larger autonomy buttressed by substantial guarantees' (Art. 1). (3) The two powers agreed not to extend the radius of their respective military action: for Austria, Roumania, Serbia, Bulgaria, and Montenegro were to be neutral territory; for Russia, Bosnia-Herzegovina, Serbia, and Montenegro, and the portion of Herzegovina dividing the two principalities were to form a continuous neutral zone which neither side should enter (Art. 8). The political convention was designed to regulate in advance 'the territorial modifications which might result from the war or the

¹ *Die grosse Politik*, ii, no. 267, secret letter of Bülow to Schweinitz, 18 December 1876.

² *Ibid.* no. 264, 29 November.

³ *Ibid.* no. 256, note.

⁴ Texts in full in Pribram.

⁵ The Andrassy note.

dissolution of the Ottoman empire'. The signatories were agreed to limit their eventual annexations as follows: Austria to Bosnia and Herzegovina, with the exception of the portion comprised between Serbia and Montenegro 'on the subject of which the two governments reserved the right to reach an agreement when the moment for disposing of it arrives'; Russia 'in Europe, to the regions of Bessarabia which would re-establish the old frontiers of the empire before 1856' (Art. 1). The Reichstadt agreement was reaffirmed to the extent that there should be no compact Slavic state, in compensation for which Bulgaria, Albania, and the rest of Rumelia might be constituted independent states; Thessaly, part of Epirus, and Crete might be annexed to Greece and Constantinople become a free city (Art. 3).

These stipulations indicate a very advanced policy on the part of the two eastern powers in the Balkans. Russia was of course anxious to secure Austrian support in the event of a Russo-Turkish war. The annexation of Bosnia-Herzegovina was not offset by any specific occupation of Bulgaria because Russia would be able at the close of a successful war to act freely. It is worthy of note that the provisions for independent states to avert the possibility of a Jugo-Slav federation included the two Bulgarian 'vilayets' of the Constantinople conference, and most curious of all, Albania, whose desire for national independence was thus foreshadowed some thirty-five years before that state finally threw off the Turkish yoke. The conference which opened in December 1876 was premature. Had the preliminaries been protracted for another month, a conference might have been summoned in which the formulated Balkan policy of the *entente à trois* would have provided the basis for serious negotiations with Turkey. Had it been possible to reconcile the Russian programme in Bulgaria with Austrian interests in Bosnia-Herzegovina, the Constantinople conference might have accomplished that European settlement which was in fact only achieved when the Berlin congress took up the task two years later after a costly and unnecessary war. The failure of the 'eastern' concert was mainly due to the fundamental change which was coming over the alliance of the emperors at the close of 1876. The system of dual understandings inaugurated by the Russo-German convention of May 1873 was already beginning the process of undermining, which in the next decade was to break it up, and to introduce Europe to a new triple alliance.

WILLIAM A. GAULD.

Notes and Documents

The East Anglian See and the Abbey of Bury St. Edmunds

BETWEEN 1070 and 1103 the bishops of Norwich made persistent efforts to deprive St. Edmund's abbey of its exemption from episcopal control,¹ and (during the earlier part of the struggle) to fix the episcopal see at Bury. The chief sources for our knowledge of this dispute are the abbey chronicles, and in particular the work of Herman the archdeacon,² with the result that while the evidence which was successfully pleaded by St. Edmund's is set out in detail, next to nothing is known of the grounds on which Arfast and Herbert Losinga saw fit to prolong the costly suit for more than thirty years. Herein lies the interest of the document printed below. It is a unique statement of the episcopal 'case' in this dispute. If the heading can be trusted,³ it was written between 1103 (when the episcopal claim was finally abandoned) and 1119 (when Losinga died), and probably nearer the latter than the former year. The internal evidence bears out this dating⁴ except in one suspicious detail, the date of the building of Norwich Cathedral, regarding which it is difficult to understand how a Norwich writer in the lifetime of Losinga could be misinformed. The account of the actual dispute is prefaced by a brief summary of the history of the East Anglian see from the earliest times. This is, perhaps pardonably, false, but the later portion, it must be said, is equally or more incorrect. The whole narrative is, in short, an unconvincing perversion of the facts, so far as these are known. But the subject is so obscure that we cannot be certain that the whole of its corroborative detail contains no grain of truth.

The opening statement, that the East Anglian see was fixed at Bury from the earliest times until the reign of Cnut, is contrary

¹ H. W. C. Davis, *The Liberties of Bury St. Edmunds*, ante, xxiv. 417.

² *Mems. of St. Edmund's Abbey*, i. 60-87 (Herman), 340-64. St. Edmund's drew largely upon the chronicles of Ely and St. Benet Holm.

³ The heading and the commentary which follows (beginning *In istoria Bede*) are apparently the work of the thirteenth-century Bury scribe in MS. Harl. 1005.

⁴ Especially the reference to Losinga: 'is qui presenti tempore procuracionem eiusdem ecclesie administrat.'

to the facts, as indeed is well shown from Bede by the Bury commentator. Had the writer limited his claim to the late ninth and early tenth century, it would at least have been very difficult to disprove, for there is evidence that Bury was an important centre under Guthrum-Athelstan.¹ The truth is that practically nothing is known of the East Anglian see from about 850 (when there were two sees) until about the middle of the tenth century (when there was only one). This, of course, is precisely the period during which the cult of St. Edmund² grew up and his translation from Hoxne³ to Bury took place. The date of this translation and the motives which prompted it are both obscure. From the will of Theodred, bishop of London (and presumably of East Anglia as well),⁴ we learn that Hoxne was then one of the episcopal seats. The date of this document is between 942 and 951 (or a little later),⁵ so that unless the arrangement was quite a new one, the body of St. Edmund had apparently been translated away from the seat of the bishopric to Bury. This is strange enough, but still more likely than the

¹ *Ante*, xi. 761.

² The accepted date of Edmund's death is 870 (Stevenson, *Asser's Life of Alfred*, pp. 26, 133). The cult sprang up rapidly, for East Anglian coins inscribed 'Sc. Eadmund' are in existence, the date of which is 905 at latest (*ibid.* p. 231). Later tradition dated his translation thirty three years after his martyrdom, i. e. 903; and the evidence of the coins, so far as it goes, supports this dating rather than that of Herman, our earliest authority, who assigns it to the reign of Athelstan (*Memorials of St. Edmund's Abbey*, i. 29).

³ There is no early authority for the tradition that the first shrine was at Hoxne. According to Abbo (*Memorials*, i. 10, 16) it was at Hagelesdun, while Herman (p. 27) mentions Sutton. Professor Tait has pointed out to me that Helleston or Haylesdon (three miles north-west of Norwich) might very well come from Hagelesdun and that there is a Sutton in Wymondham a few miles away. There is at any rate no authority for Hoxne, though it is clear that by the end of the eleventh century tradition had fixed upon it as the site of the first church (*Monasticon*, iv. 618).

⁴ Theodred, who subscribes charters from 926 to 951, is often called bishop of London, never bishop of the East Anglians or of Elmham. But his will (see next note) in its obvious sense implies that he was simultaneously bishop of London and of East Anglia (or at least of Suffolk), and this is the view taken by Wharton and Tanner (*Notitia Monastica*, s. v. Hoxne). Leland, however, in his *Collectanea* (i, fo. 248), quotes 'Chronicon Westmonasterii' for a statement that he was first bishop of Elmham and afterwards bishop of London. As Theodred is not actually called bishop of London in charters until 931, it is just possible that he was bishop of the East Anglians only for some years, and afterwards received London as well and held both for the rest of his life. I owe this suggestion to Dr. Tait (to whom I am otherwise indebted for valuable criticism), who points out that Theodred seems to have been a native of Norfolk or Suffolk from the references to his family and his use of 'kirk' for church in his will. Cf. J. M. Kemble in *Proc. of the Archaeological Institute, Norwich, 1847*, pp. 24-57.

⁵ Birch, *Cartularium Saxonum*, iii, no. 1008: 'And ic an þat men dele at mine biscoperiche binnen London and buten .x. pund for mine soule. And ic an þat men at Hoxne at mi biscoperiche þat men dele .x. pund for mine soule.' The date of the will is apparently after 942, in which year King Edmund gave him the island of Suthereye which he bequeathes to St. Edmund's kirk (Birch, ii, no. 774).

alternative view that the East Anglian bishops made Hoxne one of their seats after the saint had been removed thence. On the whole, there is a good case for the view that the first church of St. Edmund was under the direct control of the East Anglian see at Hoxne; and this undoubtedly would have been the best ground on which to base the claims of the bishops over the abbey. The dispute would then have turned upon the validity or the propriety of the exemptions¹ conferred upon the abbey by the charters of Edmund (945), Cnut, Hardicnut, and Edward the Confessor.

From the time of Theodred² until the Norman Conquest there seems to have been continuously a single East Anglian bishopric with two seats, one in Norfolk (North Elmham) and one in Suffolk (Hoxne). The evidence of Theodred's will in the tenth century is confirmed by that of Ælfric³ in the eleventh, from which it is clear that the Hoxne seat was still being used. Finally, Domesday Book distinctly states that Hoxne was the site of the Suffolk see T.R.E.⁴ These facts finally dispose of the Norwich writer's history of the East Anglian bishopric before the Conquest, apart from the *a priori* possibility of Bury (or Beodricesworth) having been, like Hoxne, a seat of the Suffolk diocese in the late ninth and early tenth century.

So far as the early history of the abbey of Bury is concerned, it will be observed that the Norwich writer ingeniously suppresses the very existence of St. Edmund. For him the genesis of the later abbey lies in the secular cathedral of East Anglia, which, he holds, was turned by Cnut into a cathedral with a regular priory attached to it. On the death of Bishop Ælfric, the prior (? Uvius⁵) was raised by Harold Harefoot to the rank of abbot. Such a view implies that the charters of Cnut and Hardicnut are spurious;⁶ but for Harold's alleged action, as for the interpretation put upon Stigand's proceedings, there is really no evidence. It is not, however, like the earlier part of the story, without

¹ For exemptions of monasteries from episcopal control see Stubbs, *Epistolae Cantuarienses* (Rolls Ser.), II. xxvii ff.; Freeman, *Norman Conquest*, iv (2nd ed.), p. 407.

² Theodred (who is, illogically, omitted from Stubbs's list, *Registrum Sacrum*, p. 231) is not to be confused with two successors of the same name who flourished in the reign of Edgar. A valuable tract in one of the abbey cartularies (Cambridge University Library, Add. MS. E. 6006, fo. 73) states that one of these 'qui episcopatum suum habuit super amnem qui currit iuxta ecclesiam sancti' was a generous benefactor of St. Edmunds.

³ Kemble, *Codex Diplomaticus*, no. 759: 'ic gean þ fen þe þwilac me sealde into Aelmham þa preostas to foddan; 7 ic gean into Hoxne þa preostas an þusend werð fen.' Ælfric was bishop of East Anglia: his will is dated by Thorpe (*Diplomatarium*, p. 567) 1037.

⁴ D. B. ii. 379 a.

⁵ Uvius was certainly abbot of St. Edmund's as early as 1043 (Kemble, iv, no. 868).

⁶ Kemble regarded these charters as forgeries (nos. 735, 761).

a certain plausibility, for it explains in a reasonable manner—a point which is unexplained in the abbey's histories—the apparent enthusiasm with which the East Anglian bishop co-operated in the building of the new monastery set up by Cnut.¹

The account of the actual struggle regarding exemption during the pontificates of Arfast and Herbert Losinga is equally questionable. It does not even mention the bull secured by Abbot Baldwin from Alexander II (1072) which was the decisive factor in the struggle. Again, it attributes Arfast's failure to the personal ill feeling with which he was regarded by Lanfranc; but this does not agree with the evidence of Eadmer,² who leaves no doubt that Lanfranc, whatever his personal feelings towards Arfast, was opposed to the exemption. The account of Losinga's renewal of the claim is no less suspicious. It is most unlikely that Losinga raised the question of the exemption on his first visit to Urban II in 1094, when he was trying to atone for simony; and the strong action attributed to Rufus preceded this visit. The only occasion when Losinga is known to have renewed the old claim when at Rome was in 1101 after William II's death.³ Again, Anselm's exile is attributed to the schemes of William of St. Calais, though in fact William died a year or more before Anselm left England. Nor did Anselm, as is implied by the Norwich writer, ever return to England during William II's lifetime. Finally, he states that Losinga 'founded' the church at Norwich after the death of Rufus. It is true that the cathedral was dedicated after Rufus's death, but Losinga had begun to build at Norwich as early as 1096. The remark can perhaps be explained as a broad, general statement of the position, or even as a rhetorical flourish to end the narrative, but inevitably suggests a doubt of its being a genuine production of Losinga's lifetime.

The value of the document is, however, largely independent both of its historical accuracy and of its date. It is valuable because it states the Norwich 'case' in the dispute with St. Edmund's; or perhaps it would be more accurate to say the substance of the Norwich case.⁴ For it suggests not so much an official presentation of Losinga's position as the attempt of a not very well-informed, though clever, monk to put together the general lines of the dispute as he had heard and understood them. That this account embodies, however corruptly, some-

¹ *Mems. of St. Edmund's Abbey*, i. 341. He is further said to have voluntarily resigned all jurisdiction over the abbey (*ibid.* i. 360).

² Eadmer, *Hist. Nov.* (Rolls Ser.), pp. 132–3; *Mems. of St. Edmund's Abbey*, i. 353.

³ Eadmer, p. 132. Note that Eadmer still calls him bishop of Thetford.

⁴ We gather from Herman that Arfast had no charters or other similar evidences to put forward. *Mems. of St. Edmund's Abbey*, i. 60 'nullius habens episcopii sui scriptum antecessoris vel chyrographum'.

thing of the actual claims advanced by the bishops is probable from the very specious explanations it puts forward for the two most difficult problems of Bury's early history as we read it in the abbey records, viz. : Why was the body of St. Edmund ever translated to Bury ? and Why does Bishop Ælfric figure so prominently in the foundation of the abbey by Cnut ? It is these two difficulties that Arfast and Losinga must surely have turned to their own account. For the rest it contains a number of interesting statements some of which may be not devoid of foundation.¹

V. H. GALBRAITH.

Harleian MS. 1005, fos. 197, 197v.

Ista narracio inventa fuit scripta in biblia quam Herebertus episcopus reliquit ecclesie Norwicensi que tum in plerisque locis, tum per cronica Bede, tum per narrationes vulgares potest argui falsitatis.

Primus orientalium Saxonum ecclesie prefuit Felix collega Augustini, qui in villa Beodrichesworth ecclesiam beate Dei genitricis Marie edificavit, in qua clericorum dispositis canonice officiis episcopalem cathedram erexit, et in generationibus generacionibus matrem omnium ecclesiarum Estanglorum perseveraturam confirmavit. Predicto loco quievit pontificalis cathedra usque ad Cnutum regem. Is Alfricum monachum et priorem Elyensis monasterii ascitum in ecclesia apud Beodrichesworth pontificem elegit, obsecratus ut clericos qui ibidem irreligiose vivebant expelleret et monachos constitueret. Qui secundum eius iussa non ignavus clericos expulit, monachos subintroduxit, eisque Holmensis monasterii monachum² priorem constituit. Regnante vero Haroldo filio Cnuti, Alfricus episcopus obiit. Tunc monachi metuentes ne clerici expulsi remearent, Haroldum adeunt ut suum eis priorem abbatem constitueret : poscunt et impetrant. Et ita rex Egypcium burim³ imitatus eodem anno pro ulcione facinoris et accepti muneris veneno defecit. Post eum sanctus⁴ Eadwardus rex existens Stigandum Estanglorum pontificem creat.⁵ Qui ad sedem suam eum qui se abbatem fecerat deposuit, et ut fuerat antiquitus ibidem pontificalem erexit cathedram, et abbatem in officio prioris conservata misericordia remanere permisit. Eo tempore fuerat Baldewinus medicus regis, monachus de sancto Dionisio qui per Egitham reginam et alios nobiles curie ut abbas ecclesie sancti Eadmundi fieret precatur. Et ipsis instantibus apud regem, respondit eandem matrem ecclesiam Estanglorum et cathedram episcopalem sub ditione Stigandi episcopi esse. Qui ad consilium vocatus premissum est ei pro commutatione ecclesie sue sedis priorem nobilem abbaciam que deliberaretur in Anglia. Et ita Baldewinus abbas ecclesie sancti Eadmundi effectus est,⁶ et Stigandus recepit Helyensem abbaciam.⁷ Nam Stigandus archiepiscopatum et alios episcopatus et abbacias tenens, suo fratri Almaro episcopatum Estanglorum permisit.⁸

¹ e. g. the remark that thirty years of possession barred claims in pecuniary cases (or is this a sign that the tract was written later in the twelfth century ?) ; Lanfranc's confession to Gundulf ; the alleged attempt to make Abbot Baldwin bishop of East Anglia.

² i. e. *Uvius*.

³ ? Busirim.

⁴ *sanctus* inserted above the line in a later hand.

⁵ 1043.

⁶ 1065.

⁷ 1065.

⁸ 1047.

Sed hec non in prosperum eis cesserunt, quia defuncto Eadwardo rege et Willelmo veniente, ambo de episcopatibus suis depositi sunt, et Stigando successit Lanfrancus et Ailmero Arfastus. Qui Arfastus suam decapitatam ecclesiam inveniens querimoniam suam ante regem Willelmum et Lanfrancum archiepiscopum deposuit: ubi quum in odio archiepiscopo erat opposita est ei xxx annorum possessio,¹ quibus in pecuniariis negociis vox clamantium excludi solet, et non Estangli ecclesie sed Arfasti persone voluntarium reportatum est iudicium, et ita coactus est Arfastus querere veniam, confiteri culpam et se et sua omnia in regis misericordia ponere. Sicque factum est ut terras quas querebat Arfastus non reciperet et episcopales consuetudines in predicta villa episcopus hactenus amitteret. Et ita apud Londoniam temeritate Arfasti causa Estanglorum ecclesie sauciata est.² Qui post multos labores et magnarum pecuniarum expansiones in vanum huiusce calumpnie obiit. Hucusque ad presencia tempora clamores et calumpnie continuate sunt consequende et³ continuande [de] evo. Post Arfastum rex episcopatum optulit Baldewino abbati multis suasionibus et consiliis, verum ipse longevum senium et insiciam⁴ litterarum pretendit, sed rex ut episcopus fieret et in Beodriches villa episcopalem cathedram sibi reformaret instanter laboravit. Lanfrancus etiam confessus est Gundulpho se odio Arfasti⁵ obviasse iusticie et ut cathedra repararetur in vita sua voluit et quesivit. Nostro tempore iniuriarum f. 197^r. clamor non tepuit, nam is⁶ qui presenti tempore procuracionem eiusdem ecclesie administrat Romam venit et apud Urbanum⁷ papam sue ecclesie detruncacionem deploravit. Quem papa benigne audit et volentem ibidem permanere per litteras ad Anselmum archiepiscopum direxit ut causa Estanglorum ecclesie reiteraretur canonice. Sed astucia cuiusdam monachi Willelmi Dunhelmensis episcopi rex Willelmus ita contra eum commotus est ut ei cartas Romane sedis et sua omnia auferret et extra Angliam expelleret. Verum rex postea eum revocavit et apud Winton[iam] post multa dura ei obiecta sua tantum recepit. Abbas vero Baldewinus vir cautus et sui monasterii propagator strenuus, sed et Estanglorum episcoporum pertinacissimus inimicus obiit.⁸ Tunc episcopus regem adiit et de reparacione sue ecclesie quesivit, sed ille immatura morte preventus misericordiam quam promiserat episcopo adimplere non potuit. Tunc episcopus adversitatum et laborum oppido fatigatus, Norwicum se contulit⁹ et ne inerti otio torpere causaretur ecclesiam sancte et individue Trinitatis condidit, et ibi cathedram sui pontificatus erexit et prefati

¹ At this point the story breaks down as Baldwin only became abbot in 1065. Compare the remark of Herman (*Mems. of St. Edmund's Abbey*, i. 66): 'locus idem quinquaginta et uno tenuisset anno libertatem', i. e. from 1030 to 1081.

² Margin, *et vulnerata* in a later hand.

³ The *et* has been inserted above the line in a later hand.

⁴ Margin: *inscientiam*.

⁵ Cf. *Gesta Pontificum* (Rolls Ser.), p. 150.

⁶ i. e. Herbert Losinga.

⁷ 1088-99.

⁸ 1097.

⁹ The writer ignores the earlier transference of the see to Thetford, which must have taken place before May 1072 (Davis, *Regesta Regum Anglo-Normannorum*, no. 65). The Dorchester see was similarly transferred to Lincoln between 1072 and 1073 (Böhmer, *Kirche und Staat*, p. 90).

operis studio et virorum inhabitantium collegio spem sue expectationis consolans.

In istoria Bede Felix collega Augustini non legitur cum quarti post ipsum archiepiscopi tempore Honorii presul nostre provincie factus sit. Ipseque Beda solummodo Dommocensis cathedre et non Beodricensis facit mencionem. Item ad id quod dicit quod pontificalis cathedra apud Beodrichesworth resedit usque ad tempora regis Canuti non est verisimile, cum sicut scribit Beda sedes apud Dommoc quatuor episcoporum temporibus resederit. Post quos unus Suthfolchiensis cuius sedes apud Dommoc remansit et alter Norfolchiensis cuius sedes apud Elmham transfertur, preficiuntur. Quod quidem duravit usque ad tempora sancti Eadmundi; quo a paganis occiso, patriaque per eosdem vastata propter inopiam ex duobus unus ut prius factus est episcopatus, mansitque sedes apud Elmham usque ad tempora Arfasti episcopi qui cassatus spe transferendi sedem ad sanctum Eadmundum ne nichil fecisse videretur¹ cathedram suam apud Theford collocavit. Item patet eum errasse in eo quod Baldewino abbati impericiam imponit litterarum cum idem duorum regum strenuorum, Eadwardi videlicet et Willelmi primi medicus existens, artem medicine strenuissime et non tanquam ignarus exercuerit. Similiter tam in precedentibus quam in subsequenibus plura proponit rationibus dilucidis et evidentibus refellenda. Quod Arfastus in causa mota defecit non tam per iudicium quam per evidens miraculum novimus contigisse. Ipse enim episcopus in ulcionem presumptionis sue subita percussus est cecitate² sed deum martyremque offensum oracionibus delictique sui confessione cause eciam sue resignacione placans suum recepit amissum. Et hoc est quod canitur in ecclesia ad sedandum consilium discordie conantis alienum honorem invadere Edmundus digna sanctione pontificem percussit cecitate sed penitenti pene partem donavit partem pro audacia eidem servavit.

Magister Historiarum

IN a late medieval manuscript at Oxford (Bodl. 630 *olim* 1953) half a dozen leaves from fo. 14^v are occupied by some homiletical matter which is described as follows in the *Summary Catalogue of Western Manuscripts in the Bodleian Library*, II. i (1922), 130 :

‘Expositio Orationis Dominice secundum Magistrum Historiarum’, sc. Petrum Abaelardum : with a kind of appendix on the seven deadly sins (*beg.* ‘Septem ergo sunt uicia & ex hijs’ : fol. 18), including a second short exposition of the Lord’s Prayer (*beg.* ‘Sequitur septifaria peticio contra 7. vicia’, fol. 18^v).

The first exposition here indicated will be found printed among the works of Abailard in Migne’s *Patrol. Lat.* clxxviii.

¹ Cf. *Florence of Worcester* (Eng. Hist. Soc.), i. 193 ‘Arfastus qui ne nihil fecisse videretur . . . episcopatum . . . transtulit ad Thefordum’.

² The story of Arfast’s blindness is told by Herman (*Mems. of S. Edmund’s Abbey*, i. 62).

611-18; but, as noted in the *Catalogue of Western Manuscripts in the Old Royal and King's Collections in the British Museum*, i (1921), 234, the attribution is certainly false. It is also printed among the *Allegoriae in Novum Testamentum*, ii. 2, doubtfully assigned to Hugh of St. Victor, in Migne, clxxv. 767-74. What follows, 'Septem ergo', &c., is an extract from Hugh's commentary on Obadiah (*Expos. in Abdiam*, clxxv. 401 c).

After I had written thus far I consulted Hauréau's work on *Hugues de Saint-Victor* (1859), and found that that eminent scholar favoured the Victorine authorship of the piece inserted in the *Allegoriae*. As for the ascription to Abailard, he presumed that Amboise, the first editor (1616), must have had the authority of some manuscript, but no such manuscript is known now to exist.¹

We need not then suppose that the title of *Magister Historiarum* was ever intended to be given to Abailard, than whom few writers have less claim to the designation. Nor is the title ever used of Hugh of St. Victor, though he was the author of a well-known chronicle. *Magister Historiarum* all through the later middle ages is the specific title of Peter Comestor or Manducator, dean of Troyes, who died at the end of the twelfth century, and it is to Peter that one at least of the pieces we have mentioned is attributed in the Latin MS. 585 in the Bibliothèque Nationale at Paris.² This ascription is no doubt wrong, but the fact that it was made—and not here alone³—explains how by a very roundabout path Abailard could have been supposed to be *Magister Historiarum*.

REGINALD L. POOLE.

*Exchequer Agenda and Estimate of Revenue,
Easter Term 1284*

IN 'A National Balance Sheet for 1362-3',⁴ Professor Tout and Miss Broome kindly referred to my discovery of an estimate of Edward I's revenue, Exchequer Miscellanea 1/23. This document consists of three membranes, sewn head to tail. Both handwriting and internal evidence suggest that it belongs to the first half of Edward I's reign. The reference to Henry III's debts proves him dead: those to the state of the exchequer of the Jews and to its receipts (£200 a year) show that it cannot be

¹ pp. 21-8. The second edition of this work is not accessible to me.

² Hauréau, *Notices et extraits de quelques manuscrits latins*, i (1890), pp. 29 f.

³ Brompton, *Chron.*, in Twysden, p. 1059.

⁴ *Ante*, xxxix. 404-5.

later than 1290.¹ The first part is occupied with a number of memoranda which have the appearance of being notes of matters for discussion in the exchequer. Reference is made to the Statute of Rhuddlan in the phrase 'De statuto obseruando in scaccario',² though the rule for the hearing of pleas in the exchequer is not quite so drastic here as in the statute, while 'De certo Rotulo. primo de corporibus Comitatum' signifies the special roll of that name drawn up as a result of this reform. These memoranda are certainly as interesting as the estimate of the revenue. Among other things we learn that the justices were to make estreats of fines and amercements, going round the shires in vacations to assess them, and to separate those which belonged to the king from those of the lords of liberties. The estreats were to be handed to the chancellor for delivery to the exchequer before Michaelmas and before the justices' fees were paid, apparently in order that the king might get the money within the year. The question of the number of officials, their pay, and whether they were necessary, strikes a distinctly modern note. Allowances were to be made by the chancellor only after a view of the particulars by two barons of the exchequer. Attention should also be called to the mention of 'the peers of the county court'.

In the estimate, the first item is the Summa Corporum Comitatum, that is of the old farms of the shire before the *terre date* were subtracted. The value given (£10,168 3s. 1¾d.) proves this, for the actual value of these was £10,229 9s. 9½d. blanch,³ a very close agreement when allowance is made for the eccentricities of medieval arithmetic.⁴ No valuation is given for profits of shires, farms of towns, or other annual payments. Had our record been written after the Rotulus de Corporibus Comitatum⁵ was actually compiled, the formula would be 'Summa Corporum Comitatum post terras datas', the value being £2,143 16s. 11d. by tale. If the profits were added, the total would be £3,983 16s. 11d. by tale, a sum much nearer the smaller of the 1362-3 estimates. But the latter are for sheriffs' farms and other revenues of England, the hanaper and the exchanges being specially mentioned in the two lowest estimates. So, to get a true comparison, we must add, from our estimate, all items which would normally be included in the summonses, thus bringing the value to over £13,700 at the lowest; or just over £19,000, if our total, less the receipts from the customs on wools and leather, is taken as corresponding to the general heading 'aultres reuenuez

¹ The Jewish Receipts Rolls, extant after 1290, show that the receipts would not then reach this sum. The Jews were expelled that year.

² The Close Roll calls it 'Provisiones facte in scaccario'.

³ The figures are compiled from Pipe Rolls 127-30.

⁴ *Ante*, xxxix. 407.

⁵ Pipe Roll 129.

Dengleterre' in 1362-3. The difficulty is to get the real value. But in Surrey and Sussex, poor counties, the average receipts from the summonses were £240 a year in the period 1292-7: to this must be added not less than £200 from other sources, giving a total of £440 in addition to the farm and profits.¹ Other normal counties had similar additions, wealthy counties, such as Lincoln, paying much more. Thus an estimate of £13,000 to £14,000 for the whole shire revenue in 1284 would not err on the side of being too large. If other items, such as the issues of Chester and South Wales, are included, it would be much larger. It follows that, unless drastic changes had taken place in the intervening eighty years, the figures for the shire and other revenue for 1362-3, given in A I-III, were seriously underestimated, whilst that in B, the largest, falls short of our suggested sum by not less than £3,000; or by £3,700 at least, if we take the totals in our document. The explanation is probably that the estimate in 1284 was for actual revenue, that of 1362-3 only for money received at the exchequer, or disbursed locally by assignments, not including local payments made by sheriffs on king's writs where no exchequer tally was issued. Thus, the officials concerned appear to be anxious in 1362-3 to minimize the value of the receipts, for the greater the deficit, the more urgent would be the king's need for a subsidy.²

After this examination of the estimate of the revenue, it becomes clear that the form of the *Summa Corporum Comitatum* presumes the date of our document to be before the *terre date* were subtracted from the farms of the counties. Now the Statute of Rhuddlan is dated 23 March 1284, our document speaks of 'this term of Easter', the *Rotulus de Corporibus Comitatum* must have been begun early in Michaelmas term 1284, if not earlier, for in the Pipe Roll account for 12 Edward I the shire farms are all *post terras datas*. Thus our document was presumably drawn up in Easter term 1284. This being the case, the nature of the document becomes clearer: it is presumably a note of agenda, or memoranda, for some discussion by the exchequer officials on the machinery required to give effect to the statute. This view is confirmed by a closer study of the record, for it bears clear traces of both additions and alterations, the latter being specially marked in the case of the sums given in the estimate. This is just what we should expect in such a note of agenda.

MABEL H. MILLS.

¹ Most of the details on which this estimate is based are given in my *Introduction to the Pipe Roll for 1296, Surrey Membrane* (Surrey Record Soc., part xxi).

² I take this opportunity of thanking Mr. Hilary Jenkinson for his kindness in helping me with difficult points with regard to the manuscript, and Miss Broome for help over the comparison.

Exchequer (K.R.) Miscellanea 1/23.¹

De certo Rotulo.² primo de corporibus Comitatum.

secundo de balliis senescallorum. quantum reddere debent per annum.

De amerciamentis coram iusticiariis. et in taxacione separandis

³ Et finibus [ca]ncellarie ³ que ad opus Regis et que ad opus [libertatum].

De scaccario. qualiter dominus rex ex nunc habere et recuperare possit fines et amerciamenta infra annum.

De ministris. et quantum percipiunt et qui et quot sunt necessarii.

De statuto obseruando in scaccario. Ita quod si quis velit ibi placitare ⁴ sedeat scaccarium tempore vacacionis placet ita quod negocia. regis. fiant modis omnibus in terminis etc.

Quod statutum obseruetur inter iusticiarios.

De castris et custodia castrorum.

De statu scaccarii iudaismi.

Quod allocaciones decetero fiant per scaccarium. sic quod ⁵ ille qui
alloc'. petit allocacionem de quacumque re; mittatur per Cancellarium ad
duos barones de scaccario. Ita quod ipsi barones videant negocium
illud et particulas et liberaciones ³ et quantum debeat allocari ³ et ad eorum
testimonium fiat allocatio ⁶ per Cancellarium; et ista forma obseruetur.

De escaetis.— De fideli in ⁷ quolibet comitatu.⁷

De Wardis.

De escaetoribus [et] vicecomitibus ut onerentur a tempore mortis.⁸

De consuetudinibus lanarum et coriorum

De Archiepiscopis et episcopis. et Abbatibus. nichil.

m. 2.

¶ Memorandum quod iusticiarii domini Regis ³ in hoc termino Pasche et sic ³ de cetero debent facere extractas finium et amerciamentorum coram eis factorum ita quod per manum Cancellarii liberentur ad scaccarium. et inde leuentur feoda iusticiariorum domini Regis que percipiunt annuatim in officio iusticiarii. Ita quod feoda illa leuari possint citra festum sancti Michaelis ³ proximum futurum inde ³ et eis liberari et sic singulis annis de termino ad terminum. antequam feoda illa iusticiariorum persoluantur.

[There is a space of four lines here.]

¶ Item iusticiarii debent amerciare homines coram ³ eis et in singulis vacacionibus anni ire per singulos comitatus ³ et taxare amerciamenta, et distinguere et separare amerciamenta que sunt infra libertates ab hiis

¹ The usual rules of transcription have been followed except that the totals have been expressed in their modern equivalents and Arabic numerals used. The manuscript is difficult to decipher at the top and part of the bottom left-hand corner is missing.

² 'De certo Rotulo' is to be construed with 'de corporibus Comitatum' (compare the wording of the Statute of Rhuddlan 'de quodam Rotulo'); 'primo' was perhaps added as an afterthought; 'secundo' begins a fresh line, and clearly does not refer to the 'Rotulus', but to a fresh matter.

³ to ³ Added above line.

⁴ 'plac' repeated and struck through.

⁵ 'quicunque' struck through.

⁶ MS. *allocata*.

⁷ to ⁷ Added later; may possibly follow 'obseruetur'; MS. *comitatus*.

⁸ On line following this 'De custodiis' struck through. 'De consuetudinibus' begins a fresh line.

que sunt extra libertates, ¹ vocatis coram eis tam baliuis libertatum quam aliis paribus comitatum.¹ vt sciri posset que amerciamenta remanere debeant Regi, et que non.

[There is a space here of about ten lines.]

	£	s.	d.
Summa corporum Comitatum	10,168	3	1½
Summa ¹ exitus ¹ consuetudinum Lanarum et coriorum	8,000	0	0
Extracta Cancellarie per annum	666	13	4
Exitus iusticiariarum Borealium per annum	333	6	8
Exitus iusticiariarum australium	333	6	8
Exitus finium et amerciamentorum de Banco Regis per annum	66	13	4
Exitus finium et amerciamentorum iusticiariarum de Banco per annum	100	0	0
Fines et amerciamenta coram iusticiariis assignatis ad assisas capiendas in Comitatibus Anglie	200	0	0 ²
Amerciamenta coram Baronibus de scaccario per annum	13	6	8 ³
Exitus iudaismi per annum	200	0	0
Exitus cambii London' et Cantuarie	500	0	0 ⁴
Exitus debitorum que debentur in scaccario per Reges ⁵ atterminatorum ⁶ inde subtrahantur £214 ⁶	1,414	13	11½
Exitus tallagii dominicorum Regis per vnum annum infra septennium	100	0	0 ⁷
Exitus escaetarum Regis singulorum decedentium qui de Rege tenent in capite quorum heredes sunt plene etatis. videlicet a die mortis vsque ad diem seisine	200	0	0
Item de debitis domini Regis. Henrici. nondum atterminatis per annum ⁸	100	0	0 ⁹
Exitus Wardarum Regis. per annum si Rex eas retineat in manu sua	333	6	8 ¹⁰
Exitus Episcopatum Abbatiarum et Prioratum vacancium per annum	666	13	4
Exitus iusticiarie Cestrie per annum ⁸	700	0	0
Exitus iusticiarie Suthwallie per annum ⁸	100	0	0 ¹¹
Exitus prise vinorum per Angliam per annum	200	0	0
m. 3.			
Exitus Ballie ⁵ de Rothelan de Flynt et Cantredorum. per annum	100	0	0
Exitus iusticiarie gaole de Neugate per annum	66	13	4
Exitus . . . cie spigernellorum que est in manu Regis per annum	66	13	4 ¹²

¹² Memorandum. de cera £8. ¹³

¹ to ¹ Added above the line.

² 1,000 marks struck through.

³ 100 marks struck through.

⁴ 300 marks struck through.

⁵ Sic in MS.

⁶ to ⁶ Written under this entry in small letters on separate line. ⁷ Summatim

is added above the total sum.

⁷ 1,000 marks struck through; then 100 marks, but marks struck out and pounds substituted.

⁸ Added later.

⁹ Originally £300.

¹⁰ 1,000 marks struck through.

¹¹ Originally 400 marks.

¹² 50 marks struck through.

¹³ to ¹³ Note between lines, above the sum of money.

	£	s.	d.
Ex[itu]s iusticiariarum ad placita foreste per annum .	200	0	0 ¹
Exitus vendacione sub[bo]sci Regis ² pannagii et cableicie ³ per Angliam. per annum	66	13	4 ³
. . . . Ius ssign ⁴ [ad] gaolas deliberandas per annum	66	13	4 ³
[Quarter of line missing] [per] totam Angliam per annum	133	6	8
[Two-fifths of line missing.]	100	0	0
[Two-fifths of line missing] dampnatorum que debentur. vsque ad summam	2,000	0	0
[Quarter of line missing] tgomery	60	0	0
Sum total [Not given in manuscript]	£27,042	3	9½
Less sum which it is stated should be subtracted.	214	0	0
Total	£26,828	3	9½

[Endorsement in post-medieval handwriting.]

Excheq^r Extracta amerciamenorum et quomodo leuanda sunt.

The Proposal to Assassinate Mary Queen of Scots at Fotheringay

THE note printed below is one of several notes attached to a manuscript 'Touching the Commission for the Execution of the Scottish Queene' which is preserved among the manuscripts of Lord Calthorpe at 38 Grosvenor Square, London. The first paragraph as printed is written in a clerical hand of the sixteenth century, the rest is in the hand of Robert Beale, clerk of the privy council under Queen Elizabeth and brother-in-law of Sir Francis Walsingham, one of her principal secretaries. Beale's activities in connexion with the queen of Scots are set forth in his biography printed in the *Dictionary of National Biography*. They can be followed more in detail in Boyd's edition of the *Calendar of State Papers, Scotland, 1574-86*. The effort on the part of Queen Elizabeth to induce Sir Amias Paulet, keeper of the captive queen, to have her secretly assassinated is described in *The Letter Books of Sir Amias Poulet*,⁵ where the letter written to Paulet on the subject at Elizabeth's direction, together with Paulet's noble reply, are printed *in extenso*.

In printing, the spelling of the original is preserved, but abbreviations are extended and the punctuation is modernized. Beale's writing is very bad, and in cases where the reading is doubtful the words in doubt are followed by a question mark in square brackets.

CONYERS READ.

¹ 400 marks struck through.

² to ³ Above the line.

³ Pounds struck through and marks substituted.

⁴ 'vend' struck through.

⁵ Ed. Morris, pp. 359 ff.

Calthorpe MS. xxxi, fo. 149.

When R. B. was in Fotheringay he understood from Sir A. Paulet and Sir Drue Drury that they had been dealt with by a lettre if they could have been induced to suffer her to have been violently murdered by some that should have been appointed for that purpose, &c.

One Wingfield (as it was thought) should have been appointed for this deed, and it seemed that her Majestye would have had it done rather than otherwise, pretending that Archibald Douglas, the Scottish ambassador, had so advised her. Of all her counsellors it is thought that the E. of Leycester did most exhort her unto this course, but both the secretaries misliked thereof and so did Sir Amias Paulet and Sir Drue Drury.

Her Majestye would faine have had it so, alledging the Association whereby we seemed bound to such a thing, and promising pardon. But the matter being in consideration at R. B. being at Fotheringay, by the example [?] of Edward the 2nd or Richard the 2nd, it was not thought convenient or safe to proceede covertly, but openly, according to ye statute of 27.

Wherefore the speache delivered to ye S. Q. the day before her death was that the Erles had a messag to deliver unto her from her Majesty, so she shold understand by the Commission under her Majestyes hand and great seale, openly shewed and redd. And for that purpos the Comission was also openly redd uppon the Scaffold, and divers gentlemen's hands [*illeg.*] unto a declaracion of the manner of her execution, the originall whereof remaineth with the Erle of Shrewsbury, the Coppy is hereafter.

Mente August 1588, at the retorne of ye Earle of Derby out of ye Lowe Countryes, he told me that the Count of Arenberg, talking of him as Commissioner for ye execution of the Scotishe Queen, as it appeared by a French booke written in that behalf, said that it had bin better don to have poisoned her or to have choked her with a pillowe, but not to have putt her to so open a death.

Mr. Waad, at his retorne out of Fraunce, said that the same the opinion (*sic*) of ye King and others.

When the S. Q. clothe of State was plucked down by Sir Amias Paulett and Sir Dru Drury, after signification given unto her to prepare herself to dye by the L. Buckhurst and R. B., she mentioned the murder of K. Richard the Second, but Sir Dru answered that she needed not to fear yt for that she was in the charge of a Christian gentleman.

The Journals of Edmund Warcup, 1676-84

AMONG the figures in the background of the Popish Plot historians have noted 'a magistrate named Warcup, of very bad antecedents',¹ whom his contemporaries freely accused of suborning evidence in 1681-2 against Shaftesbury and other exclusionist

¹ Christie, *Shaftesbury*, ii. 413.

politicians.¹ Certain journals of this Edmund Warcup, hitherto, it is believed, unprinted, have lately been discovered in the Bodleian Library; the light they shed on this dark tract of English history, on the role, notably, of the king and of Shaftesbury, is of some importance. The volumes which contain these journals—formerly in the Rawlinson collection but now classified as Alm. 1675, f. 2, and 1681, f. 1—are two sets of printed almanacs, one volume covering the years from 1676 to 1679 inclusive, the other 1681–4. The year 1680 is missing. On the blank pages Warcup noted from time to time his farming accounts, his litigation, and facts of importance occurring in the course of his official duties as justice of the peace for Middlesex. The notes are exceedingly illegible, and often confused with accounts or out of chronological order; it is only during half of each of the years 1679 and 1681 that they attain any regular sequence. Various cross-references show Warcup's dependence on his journals, and it is probable that he meant to leave them to his family.² But his two sons predeceased him, and the channel by which the Bodleian inherited these papers can hardly be in doubt, for Thomas Hearne notes that he bought on 13 August 1718 'several Almanacks that belonged to Sir Edmund Warcup',³ and a further volume of Warcup diaries⁴ (otherwise valueless) of the years 1708–11 bears his autograph.

Edmund Warcup was born, by his own account,⁵ on 4 July 1627, one of the twenty-one children of Samuel Warcup, later bailiff of Southwark and member of an Oxfordshire family much employed under the Commonwealth. Of his early life little seems on record. He suffered from 'the king's evil' up to the age of thirteen, only to be cured (he notes in his royalist old age⁶) during the civil war; he was later in residence at St. Alban Hall, and then, Wood tells us, travelled.⁷ By one or the other he got some degree of learning, for he published in 1660 a translation of *An Exact Summary of the Whole Geography and History of Italy*, and asks familiarly for 'the history of the Republique of Venice which lyes by my bedside'.⁸

It was through the influence of his uncle,⁹ Speaker Lenthall, that he came into politics, being appointed in 1648 secretary to the parliamentary commissioners in the Isle of Wight. The fact

¹ Ralph, *Hist. of England*, i. 608 ff. gives a useful summary of these charges.

² On the fly-leaf of the Alm. 1675, f. 2: 'for Mr. Lenthall Warcup this book.'

³ *Collections* (Oxford Hist. Soc.), vi. 212.

⁴ Alm. 1708, f. 2.

⁵ Bodleian MS. Rawl. D. 930, fo. 69.

⁶ Warcup to Charlett, 29 May 1697; Bodleian MS. Ballard liii, fo. 1.

⁷ *Fasti*, ii. 325 [1820].

⁸ To his son-in-law, Hugh Jones, May 1676 (Rawl. Letters, xlvii, fo. 23).

⁹ So termed repeatedly by Warcup and his father, and by Wood; the speaker in one letter varies it to 'cozen'.

that he retained papers dealing with these negotiations is respectfully mentioned after the Restoration,¹ and in 1697 he offered his 'relation' of them to Dr. Charlett's discretion; thereby it reached the Bodleian, where it has since remained.² By 1651 he describes himself as of Lincoln's Inn, and a mass of memoranda of the next six years show him immersed in litigation, trusts, Welsh land, and dealings in coal. Wood's statement that in 1659 he was captain in Ashley Cooper's regiment may be supported by the old acquaintance with Shaftesbury paraded in the later journals. More immediately important was his connexion with Monk. Possibly one of the general's numerous kinsmen,³ Warcup was at any rate employed in 1660 as his envoy to the university of Oxford to ask the election of Lenthall as their burgess to the Convention.⁴ Some viewed him as an agent of that presbyterian faction who were asking Monk to restore Charles II only upon strict conditions.⁵ At any rate, with such connexions he weathered the Restoration very successfully. He became a magistrate and by February 1664 had succeeded his father as bailiff of Southwark.⁶ In 1665-6 he worked for Albemarle in the disposal of naval prizes, and received a present of plate for his services during the plague.⁷ In the summer of 1666, it is true, he had a brief period of eclipse, having made some free use of Arlington's name to cover some financial transactions of his own.⁸ Neither the influence of Albemarle and York, to whose service he was somehow attached, nor groaning petitions over his nine small children averted dismissal from the commission of the peace and a spell in the Fleet prison. But he soon climbed up again. He resumed in 1667 a long career as farmer of the excise for Wiltshire and Dorset, again became a justice, and added a commissionership in wine licences.

Before touching the period 1678-83, in which Warcup's journals speak for themselves, we may examine the light thrown on his character by his correspondence and his later years. The pleasantest view comes, certainly, from the long series of letters to his son-in-law, Hugh Jones, which begin in October 1674. Nearly all are dated from his country home at Northmoor, near Eynsham, and his engrossment with the hay crop, fat cattle, Burford races, the military career of his son 'Lennie', or the wits of his grandchildren, at least makes human the Justice

¹ *Leyborne Popham Papers* (Hist. MSS. Comm.), p. 230.

² e. g. Ballard liii; cf. Hearne, i. 21.

³ So Pepys, *Diary*, 12 July 1666; cf. 16 October 1665.

⁴ Kennett, *Register*, i. 111 (1728).

⁵ *Leyborne Popham Papers*, loc. cit.

⁶ *Cal. of State Papers, Dom.*, 1663-4, p. 464.

⁷ Ballard MS. xi, fo. 87.

⁸ *Cal. of State Papers, Dom.*, July-August 1666; Pepys, 26 July; Wood; Rawl. MS. D. 384 (Warcup Miscellanea), fos. 70-2: 'Cheating the poor of £7,000' was one hostile version.

Warcup of the Plot. His political views were those of the average squire. He disliked France and the duchess of Portsmouth.¹ He deeply lamented the death of Ossory.² If in 1685 he enthusiastically welcomed the accession of James,³ in October 1688 he deplored the condition of the fleet—'our wooden walls used to be our safety'⁴—and by December was growling against 'popery and slavery'. In this narrow sense he applauded the Revolution; 'now we hope wee may call our Church lands our owne again'.⁵ How he survived it and the attacks on his old colleagues, Graham and Burton, we cannot say; perhaps through his sons' Dutch service. But he came out in old age as a typical church tory. He warmed at the good election of March 1690, quarrelled with Wharton, and was turned out of the commission of the peace in 1697, to be restored in 1700.⁶ His last letters show dabbings in the Land Bank and warm relations with the tory doctors of Oxford. Both his sons were killed at Steenkerk, so that, when he died in 1712, he was (as his epitaph called him) 'Warcupporum ultimus'.

It was, however, the Popish Plot that made his name notorious.⁷ For his service then he was knighted in December 1683.⁸ He summarized these services in a high vein:

Warcup entrusted by 3 parliaments, & the counsell when Shaftesbury was president, as well as before & since, in all the examinations about the Popish Plott. 2 addresses of the house of peeress in 2 parliaments on Warcup's behalfe; one obteyned by Shaftesbury. In above 100 witnesses about the plott that W. examined, not one retracted his evidence.⁹

If the last sentence is too much, even in a petition to the Crown, the journals at least make clear that Warcup had some real influence, however much the better class of royal servants distrusted him.¹⁰

The two periods really covered by these papers are sharply divided by the missing year 1680; for the politics of the Plot moved fast. By September 1679, where the consecutive notes begin, the original Plot had run its course. The acquittal of Sir George Wakeman on 18 July had been a serious check to the anti-popery fanaticism, and Chief Justice Scroggs had challenged the credibility of Oates and Bedloe. On 12 July the first exclusion parliament was dissolved, and the cleavage between the Shaftesbury and Halifax wings of the opposition was rapidly widening.

¹ Rawl. Letters, xlvi, fo. 16; undated, but of 1677-8.

² 'So great a man wee have not now living of a subject' (*ibid.* xlvi, fo. 30).

³ *Ibid.* xlvi, fo. 11.

⁴ *Ibid.* xlv, fo. 73.

⁵ *Ibid.* xlvi, fo. 19.

⁶ *Ibid.* fo. 26; Ballard MS. xi, fo. 92.

⁷ So Ormonde speaks of a Dublin magistrate as 'our Justice Warcup' (*Kilkenny Papers* (Hist. MSS. Comm.), vi. 231).

⁸ Luttrell, *Brief Historical Relation*, i. 323.

⁹ Rawl. MS. D. 384.

¹⁰ e. g. Jenkins, *Cal. of State Papers, Dom., 1680-1*, p. 506.

On 22 August the king was taken seriously ill, and on 2 September the duke of York, recalled from Brussels by Sunderland, Hyde, and Halifax, reached Windsor. The exile of both York and Monmouth, the second return of York in October, followed by his departure to Edinburgh, the dismissal of Shaftesbury (15 October), the king's announced intention of proroguing the new parliament for a year, the consequent alienation of Halifax and the rise of Sunderland to favour: such are the events of the last three months of the year 1679 forming the background to Warcup's observations. Meantime, the secondary phase of the Plot—secondary, that is, in historical development and not in clear chronological sequence—had begun its chequered life. It consisted in the unscrupulous use, by extremists on either side, of the floating fund of perjury accumulated by the informers; by the 'mutineers' to blast the duke of York beyond redemption, by the catholics in the circle of Lady Powis to break Shaftesbury's following by charges of sedition. In one category or the other—in which, is the crux which Warcup may help to solve—fall the alleged efforts of Reading to suborn Bedloe, of Anne Price and Tasborough to corrupt Dugdale, and, chief of all, the Meal-Tub Plot. Simultaneously, new 'informations' against the catholic peers and the Jesuits were in new spate from Jennison, Smith, Boldron, and their following.

When Warcup's notes begin afresh, on 5 January 1681, the political situation, and his views, had greatly changed. The Exclusion Bill had been beaten in December, the second whig parliament was soon (on 18 January) to be dissolved, the third and decisive parliament was summoned to Oxford in March. The credit of the protestant informers had sunk still lower in 1680. Dangerfield was damaged beyond repair, Bedloe was dead. Dugdale, now reinforced by the vivid Turberville, won his last triumph on this side in the execution of Lord Stafford in December. Shaftesbury had gone too far to draw back, and many moderates were outraged by his pushing of Monmouth and menaces of civil disturbance. He had extended operations to Ireland; his agent Hetherington had organized charges against Ormonde; Archbishop Plunket was already in Newgate prison.

If Warcup long hesitated but finally decided for the king, it is fair to remember that this elderly magistrate reached the same conclusion (we do not say in the same proportions) as William of Orange, that the good of the realm and his own material interests both pointed in this direction. The growing suspicions of his old acquaintances, Shaftesbury and the protestant informers, are clear on the pages of the journal, and threats of impeachment in the next parliament began to multiply.¹ It was for this reason,

¹ *Cal. of State Papers, Dom., 1680-1*, p. 220; *Ormonde (Kilkenny) Papers*, vi. 263.

perhaps, that he began to withdraw 'from envy and business'¹ and spent nearly the whole of 1682 at Northmoor. There, except for a period round 1700 when his house was let,² he remained for nearly the whole of his thirty more years of life.

It has been necessary to exercise some editorial latitude in using his papers. Public business and the most ordinary private accounts run into each other; the almanacs are badly bound, and often only internal evidence can determine the proper place for a particular entry. But the excisions from the years 1679 and 1681 are small, and affect only the merest gossip of one informer about another, or the tittle-tattle of those Irish witnesses in 1681 for whom perjury was not only a fine art but their daily bread. It is believed that nothing of the least historical importance is omitted. Warcup's punctuation and use of capitals have been modernized, and clear abbreviations expanded, but his original spelling is retained.

KEITH FELLING.

F. R. D. NEEDHAM.

20^o Feb. 76.³ Mr Corey at Royall coffee-house sought me & told the colonel he had urgent busines with me.

21. He came to the colonel's lodging, & then told me a friend of his had commission from treasurer, to oblige me to tell Lady Shaftesbury he would serve her husband. Same night at the Divil Taverne, he wrote this note; that if earl of Shaftesbury do wel assure for his faithfull loyalty & true service to the king & an inviolable friendship to lord treasurer, his lordship wil mediate for his enlargement & restauration to favour. And, in order to this, that treasurer will permit A. B. to attend him, & receave his commands for accomplishment thereof by such waies & under such secresy & fidelity as he shal direct.

Same night at 11 Corey brought one Mr Browne, who said he came then from treasurer, that he had delivered him said noate in bed, that he made his lady withdraw for privacy: that the treasurer did imbrace the proposal & would meete Lady Shaftesbury next day, & would in a chaire come to her any where. I urged I had not seene the lord or lady for above 8 weekes, knew none of their designes, durst not meddle without express command from treasurer.

Browne replied, he would warrant me, & treasurer was willing to serve Shaftesbury; he said by Corey's advice he had said too much to treasurer, & repented he had not come to me first. Corey hinted that the treasurer would make Shaftesbury chancellor on termes of friendship.

After an hower's refuseall, I was soe much urged as gratefull to treasurer, that I promised to goe next morne to Lady Shaftesbury.

22^o Feb. 76. I went to Lady Shaftesbury, when we recounted my old friendship with her lord, & she said the first time I came to her was when

¹ Rawl. Letters, xlviij, 7 May 1682.

² Ballard MS. xi, fo. 84.

³ i. e. 1676/7. Shaftesbury and the other three peers were committed on 16 February.

her son had the small poxe, and now her grandson had it. I then tould her my arrand, as the best thing I could thinke on to serve my lord. She well received it, but doubted her lord would not decline his partners, but stand on his honour: however, shee promised to goe to her lord, & bid me stay at the Rainbowe coffee-house for her answer, & if my lord approved, she would then appoint when to meete treasurer. She came not at the time: I doubted, & soe went to Browne in Bridge streete, & gave him my ladies opinion of her lord's honour & my doubt: soe to the play with Dr Needham.

Afterwards I went to the lady again, who excused her not coming by indisposition & breaking her coach. She tould me her lord had bene much injured,—he said against all rules: that he had bene alwais faithfull, that he stood upon his honour, & would not treat, but if treasurer, or any other who had injured him, would labour his enlargement &c., he should gratefully accept, & then twas time to treat, or to this purpose. I then begged her to remember, that I had offr'd the poore service I was capable of, & praid to God to blesse my lord, her, & hers, but I feared, as by report was said, more hurt might be drawne upon her lord.

That night al this I tould to Browne, who seemed to be sorry, & he & Corey apprehended I knew more of Shaftesbury's mind as to his security: which I denyed, professing all service to treasurer. He promised not to name me in the busines, & inculcated treasurers intentions, and then he & Corey said the narrative of the treaty in March with Lauderdale was by them delivered to the treasurer; wherein was that Shaftesbury would have no treaty with Lauderdale, unles he would first forsake treasurer, whose counsell he knew would destroy king and kingdome. Corey then, & 3 times before, tould me his managery of this treaty with Lauderdale & Forster his secretary & Shaftesbury at Excester house, and that Shaftesbury had told him of the meeting at my house.¹

28^o Martij. Account hereof, & many other things, given lord treasurer; I hower $\frac{1}{2}$'s discourse.

[1679.] On Thursday the 12th of March 78, on Friday the 13th, & severall times before, Mr W^m Bedlowe told me he could not accuse the treasurer of being any way concerned in the plott, or subverteinge the government.

12^o ditto. I told this to treasurer before Judg Bertie, professing all fidelity to him, denying any affidavits taken against him: in the counsell chamber treasurer humbly thanked me for my kindnes, before Mr Fryer & many others. Bedlow told me he could discover many things [to] the K. if he would permit accesse, for safety of his person; K. answered thereto; 'when I have nothing els to doe, he shall come to me.'

Wednesday the last of Aprill, Mr Bladen, the earle of Danbyes steward, came to me at Whitehall, Mr Chetwyn present. We went aside; he told me I had committed Mr Knox contrary to lawe, & threatned an action of false imprisonment. I told him twas a great injury to his lord to meddle therein &c. I went to Chetwyn, whome I told of the threat &c.

¹ As Shaftesbury gave up Exeter House in July 1676 (Christie, ii. 224), this negotiation presumably took place in the preceding March.

: 27^o Julij. Mr Richards of Hatton Garden in my chamber, [with ?] Mr^e Price. Mr Dugdale's friend, who lives with Yates the lawyer, present : offred me what mony I would have, soe I would release Mr Wakeman, prisoner in the Gatehouse, without takeing the oath of allegiance, & offred any security. Memorandum ; how angry I was at this offer, how I was not mercenary, & he mistooke his man.

31^o July. Mr Jenison & Mr Savile sent for me to the 3 Tuns at Graies Inne, where Jenison's 4th information was on the table of his owne writeing, & 1^o Augth wee 3 dyned together there, & then Jenison's information was finished.

20^o August.¹ Mr Bedlow at the Palsgrave Head: told me he would watch the discontented & informe the king of their intents to destroy him.

18^o. Mr Speake told me Bedlow had writt into the country to his father & others to arme. Chetwynd told me, the lord president² said that morning there was one bitter herbe in Mr Reades information spoiled the whole pot [of] porridge ; that Reade must be reexamined & that left out. . . . [pr]jesid^d would not report that . . .³

Sept 11^o. With Mr Chetwynde, Mr Jenison, Mr Smith, & Sir Tho. Dolman, who said Secretary Coventry & lord chancellor were offended at my takeing Smith's information, soe to anticipate the counsel. I told Sunderland of it, who told me I had done well, & thanked me before them all in the kings name.

12^o. With D. Y. ; Mr Heyward introduced. Smith's & Jenison's informations read by Y. : he urged improbabilities. He approved what I had done. On my knees I begd him to declare for our religion ; he said he could not. I urged the ruine of himselfe & children, hazard of K. & kingdome, & otherwise impossible to preserve him. We parted well : he told me Shaftesbury had bene treated with about reconciliation, though not by his order, but Shaftesbury refused it.

. . . Cressett with me at Windsor. Monmouth ordered to depart England, & delivered up commissions of generall. I was with K., & begged him to persuade D. Y. to be a protestant ; who said could not bee. I told him he would then be uneasy & Y. ruined. He told me he had read Smith's information, & that if any ruffians were found guilty, they should dy, & that Lavallin⁴ had bene at Windsor at the time named. He promised me a just retribution. Baber in the closett.

13^o. To Judge Scrogs I said, I hope you come upon reconciliation. He answered, I would I could.

14^o. Clarendon, Sunderland, & Sydney Godolphin, with Hallifax, who complained that he was railed att. I answered his discourse with T. Merry, his going to Portsmouth, his banishing Monmouth. He urged his integrity to protestant religion & king. I told him of leaving Shaftsbury & Essex also, and how I had made Oates, Bedlow &c. apply to Sunderland & cryed up his name by Hallifaxes order, which he owned. I spoke against Chetwynd's being justice in Westminster. He promised me great things, but he bid me send his cousen Hallifax to him. I did so ;

¹ Or July ; written over and illegible.

² The page is torn.

³ Shaftesbury.

⁴ Luttrell, i. 19.

his cousen told mee he offred him a military commission or other employment, but spoke slightly of me. I met Dugdale. He told me M^{rs} An had offred to bring him to D. Y., to persuade him to turne about: I ordered Merry to be his witnes. I went to Monmouth, who received me kindly. He told me the K. told him Yorke would not depart if he went not also; thereupon must goe. Lord Hallifax told me, he thought fitt to advise Monmouth to be sent away to make Y. goe. I told Monmouth [$1\frac{1}{2}$ lines erased].

14 at night. Dugdale told me he mett A. Price at the Horseshoe; she there appointed to goe on Munday to Y. with Spanish ambassador to Windsor, to have Yorks order for Dugdale's reward &c. He said before Mr Savile, that she called me rogue, & that I was too strict. Had told her she spoke jesuitically. Dugdale added, he had told all to Allen, Judge Adkins' steward, & had desired him to overheare, but he refused, & feared he wold discover these. That he had told Monmouth of my knowing hereof: he asked if I was faithfull, & begged him to goe on, & that he suffred for the protestant interest.

19^o Sept. 79. Mr Heyward brought me to Y. I told him of Dugdale's designe to ruine him by An Price, & shewed him all that proceeding; for which deliverance he said he was ever bound.

22^o. Again there by Mr Man. Shewed him the proofes of the plott but he would not beleive a plott, nor one word Mr Oates saies. I shewed him Harcourt's paper, Gerard's confession, Father White's paper for 80^l to Oates. He promised me all fidelity, friendship, & secrecy. He told me of the enmity between him & Monmouth. I gave him a paper of protestation to the counsell upon Sir Tho. Williams¹ & Oates, which he promised to consider of. I urged him to close with Shaftsbury, to make him treasurer or chancellor. The first could not be, becaus he had many friends there; the other he hearkened to. He protested he had never seene An Price, nor the Spanish ambassador, & that he would avoide it. I medled not with his religion. He remembred my kindnes to him in uncle Lenthalls time, & Sir Henry Jones.

23^o [?]. Oates² told me, Dr Chamberlain & another were locked up in his study, when Anne Price came into his chamber & told all about the duke, & they tooke all in writing; & that Hampden, Charleton, Monmouth, & others were concerned.

24^o. I told Y. of it: begged him to examine Williams & that busines before the counsell. He said he could not stay, but must away tomorrow.³ He assured me of all friendship, & tooke my order of counsell to recommend to Lory Hyde.

19^o.⁴ Mr Smith before the counsell: delivered his speech to the king, who gave him his hand 3 times to kisse & was well satisfied. Smith told the counsell of my abilities in busines, which was approved. I then complained of one Turner for uttering the compendium. Lord chancellor

¹ Luttrell, i. 23.

² Or Dugdale? See *State Trials* (1810), vii. 902.

³ He went down to Woolwich on the 25th (Luttrell).

⁴ This and the next two entries are written on the back of the page, after the words 'Lory Hyde'.

begged one of me : Prince Rupert & others. Had the ballad & letter from Paris about the tryalls.

21°. I waited on the Spanish ambassador with the order to open his chappell at Weld house, which the next morneing—by 7—I did.

23°. With Turner before the counsell : he committed to Newgat. King got a compendium & others bookes of me : lord of Essex, B. of Canterbury, Hallifax, the like I gave. I proposed an order for L'Estrange to search booksellers for such like bookes.

28° Sept. 79. Mr Smith, Jenison's priest, & I at Lord Shaftesbury. I delivered him the compendium,¹ the letter to the baron about succession, & the verses about fleete shepheard, & gave an account what was done in his absence at counsell &c. He discoursed Smith privately.

29°. In Fleete Streete I met Dr Oates coming from Shaftsbury. He told me wee were mistaken by application at the counsell ; all should have bene private till parliament. He told me Lord Shaftsbury would dally no longer ; he would impeach the duke, against whome he had witnesses to prove high treason. I & Dugdale then mett Mr Hills, who told me the papists were writing a booke against me & would rip up my life from the beginning, & my actions, & asked me whether I had not committed Turner the bookseller.² I answered, noe ; twas the privy counsell. We then went to Lord Shaftsbury, when he discourst Dugdale privately ; who told me he said Mr Hamden & Charleton had told him all about Mr Anne Price, & advised him to goe on, & that he would take care & provide for him. We dyned with Colonel Danvers, Mansell, Mr Thompson, Cressett, & a parliament man ; much discourse about the plott, all against the duke. Sir R. Clayton chosen Maior.

18° October. Came from Moore.

Sunday I dyned at the Halfe Moone with Cresset, Chetwynd, Smith, Dugdale, Oates, Mansell, Jenison, Bolrun &c. Noe discourse about affaires, but Chetwynd spoke against Mansell. I advised him to suspend his opinion. He threatned Yorke violently.

Munday night at the Kings Head, where I tooke the evidence of Bolrun's wife & mother. Mr Clare there spoke of openses [?]. Chetwynd before Mr Clare, Cresset, Dugdale, Smith, and Mr Savile said I had tould him I shewed Jenison's information to D. Y.,—which was false,—& Smith's also : for they were delivered to Lord Sunderland. Chetwynd added, that he doubted not but the informations I was then takeing [?] would be as publicke before the next night. Cresset told me ; but denyed to me & Chetwynd afterwards.

22°. Dugdale's information taken, & shewed lord privy seale,³ who owned he knew all Dugdale's meetings on that affaire ; & Tasbourouge knew all. He sent me to the counsell, when twas read afore the king. Thursday appointed for hearing.

22°. At night sent for by Chetwynd & Mansell to King's Head Taverne at Charing Crosse. Bostocke & two searchers of the customes there. I took ther examinations about Willoughby, alias Dangerfeild, 9 papers & 2 notes delivered me.

¹ By Lord Castlemaine.

² Castlemaine's publisher.

³ Anglesey.

23°. In the morne I shewed these to the king, who said he loved to discover plotts, but not to create any: he charged me to looke after Hawkes, & sent me with the papers to Secretary Coventry. Dugdale's affaires heard in the morne: severall comitted. Willoughby accused by Doiley. Cheife Justice North ordered me to exercise my authority. I examined him [?] by Bedford his companion & Doiley at the Three Tuns, Charing Crosse: Chetwynd, Dugdale, Cresset, Sir Henry Ingoldsby, present.

This heard at night. I was asked by chancellor, who delivered me those papers. 'The kings officers.' 'Then did you give Willoughbies boy a glasse of wyne?' 'No, he was examined without any artifice.' Bedford told Chetwynd of the Lady Powis with Willoughby, & therefore examined to that point.

21° October. With D. Y.: well receaved. He merry from artillery feast. I shewed him Dugdale's information: he prest me to bring it on next morne, as I did.

24°. At night with Yorke. A long discourse: much thanks. Promised to speake to K.; approved all I had done.

23°. Before Sir Tho. Dolman, Chetwynd, Dugdale, I declared in counsell chamber that, since they would not secure Willoughby, I would doe it by my owne authority;¹ for the papers were treasonable if Mansell's, if brought by Willoughby a foule cheate. I secured him.

25°. He was committed by K. to a messenger.

27° or 25°. Willoughby, Mansell, Richeson, Mr Harris, Dugdale, Doyeley, before K. & counsell, when Willoughby stood upon his justification against Mansell. Lord chancellor asked Willoughbies boy whether I had given him wine. He answered, he had a glasse, but Doyly & others proved Mr Dugdale gave a small glas of white wyne after the examination was taken. Chancellor asked the boy, what age he was; cleaven y^r old. Chancellor; how durst the justice sweare a boy of that age. I answered, the examinations before him would prove twas not soe. I feared disgrace. Willoughby was committed to Newgate. Ordered that the two Bolruns appeare before the counsell the 31st.

2° Nov. With K.; presented him Smith's narrative. Shewed him that his proclamation for discovery was short; he told me he wold speake to counsell about it. A long discourse about Shaftesbery.² He had no unkindnes for him, & that he well knew his abilities. Was now faine to use persons he loved not, but would name none. Was for the protestant religion. Knew his owne right to pardon, the bishops right to judicatory; was tenacious in both, & would Shaftesbery come to these points he could rely on him. Commanded me not to say I went from him to Shaftesbery, but bid me sift him and bring his answer. Talkd almost an hower. I urged to be head of the protestant interest; he answered he would be soe, but said the protestant interest in France was now little. He read

¹ Borne out by Mansell's narrative, *Cal. of State Papers, Dom.*, 1680-1, p. 519.

² On these negotiations, extending to the spring of 1680, compare Barillon's information cited by Pollock, *The Popish Plot*, p. 245.

the minutes about Bedford's being with Willoughby. Said his brother never told him of Peyton's correspondency; himselfe loved him not. Said he would not beleive ill of Monmouth; was glad they found he was not at the Clubbs. Promised me recompence & clapped me on the shoulder. In his be[d]chamber alone.

3°. With Shaftsbury. Shewed him Bradley's information & Bedford's minutes; was well pleased. Told him my discourse with K. Found him most ready to serve K.; he would yeeld to banishment of Danby to avoide the question, & was for the bishops, but an expedient for their judicatory in criminalls. At night I told K. of what I had done, & how Shaftsbury presented his duty & offred to waite on him at Chiffins's chamber. K. replied he was not for expedients; his right of pardon & the bishops right of judicatory he was tenacious in. Was displeased I begd him to see Shaftsbury. He asked whether I went in his name; I told him, no. He said he would consider of the meeting, & bid me come too morrow for his answer. I told him of Waller's seizure of Harcourt's papers, & a boke of the Jesites entries, the same that Oates had often mentioned, & some deedes of estates. He said he was glad of that. The crosse and ring I told him of; the engraving on the crosse,—'defendent gentes hanc partem crucis omnipotentis'. I told him Oates inclined to be well with him, & as a testimony sent him word the congregations intended a thanksgeiving for the late deliverance. He answered he would not mocke God; bid Oates meddle with his own matters & speak truth.

Sec. Coventry, Mr Hyde, Mr Guy, & others in the bed-chamber as I past into the inner roome.

Wildeman & others heard me relate the story about Willoughby. Lord Howard, Lord Huntington, Lord Herbert, Lord North, saluted me with thanks for my great courage & service at the counsell. Mr Chetwynd present.

2° Oct. [? November]. A message of highe encouragement from Sir Henry Capell by Mr Chetwynde.

3°. The same from Prince Rupert by Mr Kirkby;¹ the same from Lord Essex by Mr Pettitt, with promise of a due regard to my pretence.

4°. I went to K. at noone; Sir Paul Neale went in before me. K. told me Sir P. N. came on the same errand from Shaftsbury; that he had appointed next day at 3. Told me he was tenacious to the 2 points. I told him the most violent were for his concessions about the duke; he answered he had gone too far therein, would not now yeld to it. I went thence to Shaftsbury; told him what the K. had said about the 2 points & Sir P. Neale. Hee approved well, & appinted me to dyne with him next day to goe with him. Mansell heard this.

I went to him 6° & dynd, Sir Paul Neale, Mr Wharton &c. there. The coach was appointed, the sword ready to put on. My lady spoke of his danger, which angred him. He discourst privatly Sir P. Neale; then fell on Mr Wharton about being with the heads of both parties. I asked him to goe. He said he had sent an excuse to K. by Sir P. Neale, & would

¹ For Christopher Kirkby, assistant in the royal laboratory and the first channel between Oates and the king see Pollock, p. 12.

not goe; urged his insecurity becaus of Portsmouth. Then told me Sunderland had been with him that morne, he beleived to try him,¹ & that he found no disposition in the court to take his counsell. I urged intreaties, publique safety, my owne hazard, but in vaine; soe I left him.

6°. I tooke the examinations of M^{rs} Cellier &c. in Arundell Streete, Colonel Mansell present; as also M^r Tho. Curtis, Chetwynd present. I committed Curtis to the Gatehouse.

7°. With earle of Essex; shewed him those examinations. He said they were materiall, and secresy. I told him of transactions between Shaftsbury & K.: he said Sunderland, fearing he should otherwise know of his going to Shaft., had told him. I urged his danger; that a great distrust was beginning of K., becaus all criminals laid it at his doore. I begd the sitting of the parliament, his owne & other counsellors protestation & [erased]. Shaftsbury often named. Essex urged his owne integrity; he desired me to get some other justice to joyne in examinations, & named Lloyd & Matthewes, becaus of some counsellors' jealousy. At night I carryed Curtise to the counsell; chancellor told me they were fully satisfied of the forged plot. . . .

21°. An order of counsell to examine Bedford &c.

26°. I brought those into the counsell. The chancellor rejected them, & said I made an offer of examinations, & much [illegible] me, & examined the witnesses & Peyton; where Willoughby owned he had seene Peyton at Cellier's 3 times, which he denyed before. Upon these chidings & rebukes from chancellor, I forbear, becaus he said he would have all witnesses at the boorde.

28°. At Lord Shaftsburies, who then demanded whether I would yet be of their party. 'You se the K. will doe nothing. I know you just, but not ours.'

30°. With K. & Secretary Coventry about Dangerfield's narrative. Coventry told me all passages between them.

1° Dec. Dangerfield went to Coventry, & was denyed to print.

2° Dec. I shewed 2 sheetes of it to K., who read & cryed 'what stuffe is here'; I carryed them to Sec. Coventry, who read them & said what related to him was truth but not all, as the last night of meeteing, & said if he wrote truth in all twould be well. I made Dangerfield amend about the duke & the sham plott, to content Cresset [illegible].

3°. Before Cressett & Hugh Speake Dangerfield said hee would print it. I charged him to speake truth in it, & owned he had no leave to print it. Dangerfield told Speake & Dugdale & me, that Scrogs had gone through bridge in disguise to Lady Powis to Tower Hill, as M^{rs} Cellier said, & she was present. M^r Gibson at my chamber said, if the K. were dead, Monmouth stood fairest pro Corona. Court [?] being in London lord maior would proclaime him, & once king in esse Yorke must be laid aside, because there were 100 against him for one for him. What labour would be to possesse Ludgate & Temple Bar in case K. dyed, & soe thoughe some stir might be, it must over suddenly by the overnumber. A report spread abroad that Sir William Waller & I were turned out of commission. . . .

¹ Sidney, *Diary*, i. 181.

16. At Hicks Hall, we consulted expedients for the proclamation against papists.

19°. We presented them. Ordered by the chancellor: Sir Wm. Smith, Mr Warcup, Mr Deny, attend in the afternoone.

We attended in the afternoone: present, chancellor, president,¹ Lord Sunderland, Lord Hallifax. They told us they had not considered our propositions; two of us should be sent for. I proposed disarming from swords [?], a proclamation for good behaviour, printing names for parishes. I then said, when Dugdale, myself, or others, sent to be called in, the answer was, we should if what we had to offer were materiall; we were not judges what was materiall, but we ought to offer all to the counsell. That by reason of that answer, many things would slip them. I was ordered to bring Dugdale on Sunday. Mr Blasdon proved Jane the priest at Blorley. Mr Cellier owned all that Wm. Woodman said.

5° Jan. 80 [1680/1]. Mr Ethrington,² the Irish witnes, in the painted chamber: complained that Capt. David Fitzgerrald had drawne away the 5 fryers witnesses, & had endeavoured to suborne them and stifle their testimony. Immediately I went to Fitzgerrald, and told him & the 5 priests, especially Bernard Denis, of Mr Hethrington's complaint. They positively denied all, & affirmed that Fitzgerrald had perswaded them by all meanes to speake the full of their evidence against any person whatsoever, & they had soe done & would pursue the same.

8° Jan. Bernard Denis told me he was writing in his chamber 'Katherine Queen of England' & somewhat underneath; his man looked over his shoulder & snatched away the paper. On which he cryed 'shut the doore'; soe stopped his man, & cald a constable to carry himselfe to the Counter. As he did; & next morne before the lord maior swore against Capt. Fitzgerrald, that he perswaded him to concele his evidence against Sir John Davis; that K. was not pleased with Hetherington's managery; that Hethrington had received collection money; & that Fitzgerrald confest he had 500£ of the king: which lord maior writ to Colonel Birch & the committee. Then Denis puld out a long paper of information of what Cardinall Howard had told him; that the queene & duke were setting up popery in England & Ireland, & rooteing out the hereticks, & that duke should be king, & that Q. was interrupted in her way from Somerset House to Whitehall by the rabble crying against her she could bring the king no heire, & that nine a piece of each side were hurt &c. He said Colonel Birch marked what part of it was fitt for the committee, & desired me to extract that out of his long affidavit; which I did. Memorandum, all this matter is new, & I charged him why he concealed it soe long, when he had 20^{ty} times averred he had noe more to say then was in his former information. To which he answered, he feared his life. Cavete. Mr Kirby present when Denis told me this. M^d; Sh[afterbury] said he had drawne a lyne about Whitehall &c., & that K. would be his prisoner &c., & might bring &c. the same fate as his father had. I told this to K. &c.

Cartoun [?] 7° Jan. told Kirby & me that Leech had often told him the story of the nuncio & his man.

¹ Radnor. ² William Hetherington; see *Ormonde (Kilkenny) Papers*, vi, *passim*.

M^d 27^o Dec. I carryed Sir Robert Leech to Lord Shaftsbury; about halfe an hower were together. Shaftesbury told me he feared, in pretence of a search, they would steale 1500£, & disliked Leeches story. 5 daies afterwards I saw Shaftesbury, who told me he was but a private lord, had therefore recommended the busines to Essex, & charged me to keepe Leech from him, utterly disliking him. I used all arguments to Leech to keepe him from him, but goe he would & carryed Cartoun to him. He told his lordship a story of 4 monkes come from Jerusalem to sing Te Deum for successe of a designe in England. I went to Essex on the same busines of Leeches story about a nuncio in England, on last Friday in December. Essex told me he heard such a story of a nuncio before, but beleived nothing of it; & did not beleive Leech who had bene with him about it, & directed that Leeches auth[ority?] should be produced. I told Leech, but I found him trop fine, & as God would have it communicated noe part of the story to mee, nor would I heare it.

Yet 7^o January Shaftsbury said to Leech that Justice Warcup had betrayed all to the king, & he would have noe more to doe in it; which, I beleive, was a shift to be rid of Leech. . . .

On Sunday 16^o Jan. 80. With Mr Cranfeild the king's gentleman-usher. He appeared much for the king's interest. Told me lists were taken of the king's servants who spoke against K.'s interest. That K. would not depart with his brother, the militia, nor admit association: that all would change in office about K.; that he hated insolency of parliaments. That France would not invade Flanders and by interest was refusing Holland: instance Phillip of Spaine, who grasping too much lost all.

I spoke of parliament's sitting at Oxford or Windsor, becaus of tumultuous & factious meeting at London &c. He thereupon asked if any president were of parliaments at Oxford. I answered the plague yeere & warre. The 17th at the Amsterdam coffee-house, one Masters, a merchant, told Captain Cressett that Colonel Warcup had advised the king to make the parliament sitt at Oxford. He answered noe: argued my losse thereby, being so neare Oxford. . . .

18^o Jan. 80. . . . Between the 18th & 31st of Jan. 80 I examined 18 Irish witnesses; delivered their examinations to counsel.

29^o Jan. 80. Mr Hethrington at the Sun Taverne told me, if K. would be ruled by him, he would get him 2 or 300,000£ per an. in Ireland, for he could find witnesses to prove Ormond & all the papists in Ireland in the plot, & empowered me to tell K. soe.

3^o Feb. 80. Mr Turberville & Feria went to visite Lord Shaftsbury. Turberville at night at the coffee-house told me that Shaftsbury discoursed him about raising men; & that he offred to head any men on his lordship's designe,—who answerd he thanked him, but he found the damned citty to flag & fall off. His lordship further said he was sure of Wapping & Southwark & all that way, but the cittizens were for peace and flow off, & would not rise. Turberville replied, I am at your lordship's service, give me any men. Sh. thanked him, & told him time might come that he might make use of him. He then shewed me the letter of Sh. to lord

president, & said he remembered himselfe to me, & wondred I was such a stranger. Feria was present, but heard not all. . . .

5^o Feb. M^r Lewis¹ before the counsell, who heard him at large. He told K. he was engaged by Grove in the designe with him & Pickering to kill K., & related the perjury that brought him to the pillory. I then got him 10£ to goe with the kings messenger to hunt for priests.

6^o Feb. M^r Arnold & I with Shafts. I moved him to be godfather with Lord Howard to Feria: he said twould looke like faction. He said the parliament must to Oxford. I replied, they at Whithall were as sicke of that as his lordship. He said, they must there sitt for 21 daies, & he told me Fitzgerrald was a rogue. I replied, he is not soe good as he should bee, yet might not be soe bad as report made him.

I told him of the 10£ to Lewis & provision made for the 4 [?] Irish witnesses; which he approved. M^d M^r Ethrington brought us thanks to the vestry at St. Clement's for our faire proceedings in examining the Irish witnesses from Lord Shaftsbury, to whome he gave an account on the 1st of Feb. 80.

With Lord Arran, who promised my son a company; he told me Duffy had bene at his house, & asked how he might receive him safely, & gave me the examinations which I had lent him.

9^o Feb. With K. at Arlington House. Shewed him Sir R. Walsh's letter to D^r Oates: he denied he spoke the words therein. I told K. of the death of Robert Donalson, that forged a letter against the Queene. This night Hethrington & his Irish witnesses went to the grand jury to sweare against David Fitzgerrald, D. of York's guards &c. & Sir Jo. Davys.

Sunday the 13th. With K. about an action of conspiracy *per Q.*, D., D. Ormond, & chancellor in Ireland. He approved, & gave me great thanks, allowing his counsell could not hitt such an advantage. Secretary Jenkins had a paper *pro Rege*. Fitzgerrald drew up a new affidavit; delivered it to Lord Arran in my presence, who will prosecute for his father & said the K. directed it.

17^o. Sir R. Sawyer, attorney generall, sent for me to assist him in the examinations of Duffy, Moyer, &c. In the morne Cresset & I cum Rege, & I spoke to Lord Arran about Fitzgerrald; who promised he should be aided. M^r Kirkby at Faro's coffee-house told me he must, if called, prove that within halfe an hower after I had taken Dennis' first information, I told him with joy that I had bound him to the full truth: he could speake in that information in verbo sacerdotis. Prince Rupert told me Hethrington was the greatest rogue imaginable, & thanked me for that.

21^o. Carryed M^r Percival's information about the print called the Presbyterian Creede &c. to Sec. Jenkins. He gave me the lord treasurers report; I delivered it to M^r Guy, as M^r Hyde directed. I discoursed with M^r Hyde an hower at his house on the 20th, of the duke's interest & the Irish witnesses. The lords gave them 4^l. I was with Lord Burlington & privy seale.

22^o. At Combes's coffee-house & Crowne Taverne, where Jenisons

¹ Luttrell, i. 60, 256; *State Trials*, vii. 1285.

Smith fell out violently. At the Rose I told Cresset all about Lord Clarendon, queene, &c. Mr Kirby told me his letter, shewed to K., would doe me hurt,—him noe good.

23°. . . I spoke with K. ; delivered Kirbyes letter. He said he beleived Kirby & Tonge framed the plot, yet promised to reade the letter. Promised my busines to be done. Fitzgerrald with me : K. promised to call him.

27°. With Clarendon : discourst many things, met him at Mr Hydes : vide paper of this day.

28°. Cum Rege at Mr Chiffins's ; Mr Hyde, Secretary Jenkins, present. A long discourse about matters in paper I wrote ; especially Fitzgerrald.

3° Martij. Carryed Fitzgerrald to the said persons & place.

4°. Cum R. & gave him pamphlets. He ordered me to petition the counsel, who ordered me 1500^l by privy scale. With Clarendon severall times, on secresy. I brought Justice Harriot to Secr. Jenkins.

11°. Cum R. ; things spoken of in paper. Before the counsell about Samuel Harrison, about words against the parliament. K. said he wished any were soe vigorous for him, when spoken against.

12°. . . Lewis told me Shaftesbury asked him my proceedings in his examination. He said he told him,—uprightly,—and said some were endeavouring to set Shaftesbury against me : advised me to prevent it. He asked me whether I could conceale a high misdemeanor. I told him, no ; I must acquaint my superiours, & told him I would know noe secrets, but as a justice doe my duty, & as I had alwais said to him ; & that [I] feared not Lord Shaftsbury's indignation, who knew mee of old & was once sheltred under me. Feria told me, this night Colledge called me tory & said I advised to remove Fitzharris to the tower. Speake at the exchange told of Fitzharris's removall. . . .

14°. Lord privy scale refused to scale my privy scale for £1,500 without notice to Mansell, the notice I sent about 12 to his lodgeing. Not at home. I went thither at 3 ; not at home. I sent a porter for the notice ; I swore Mansell had seene the counsel's order for the £1,500, & that the notice was sent to Mansel's lodging. Twas then sealed. Feria borrowed 5^l of Cresset. Mr Fergeson told me he heard I had informations against Shaftsbury : I shewed him all my papers. He said he was satisfied & would satisfy others : he advised me to goe to Essex. I said, I rely on truth. 8th pd. in charges at privy scale office. Cresset with Fergeson at the Feathers. Colonel Leg told me before Cresset, that D. was well pleased with my letters but would not stir ; & he beleived a letter would come from D. Y. to me. . . .

18°. Everard at the Pope's Head taverne ; told me he desired to be wel with K. & would write to me to Oxford to desire admittance, & would tell all & helpe the K. to witnesses, but would not betray any.

At Oxford¹ Everard went with me to the Mount in New Colledge.

¹ Parliament opened there on 26 March.

There said he would not betray any, but knew all the discontents in London, & both times said he could doe any thing with his pen, but could not speake well. He tould me Fitzharris, & his acquaintance, was at Paris secretary to Pompone; did all the English busines. Referred to Lord Arran for his families loyalty: said he would write at London.

5^o Aprill. Everard told mee at Pope's Head, that he had received 26 [?] ginnies by collection at Oxford. Lord Gray moved it. Mr How told me 60 ginnies. He now refused to write a letter for K. to see, fearing what use might be made of it at court. I told him I came not to advise, but to follow his directions. He told me the lords & members met this day at Sun taverne. Oates asked me whether I tooke any information at Oxford. I answered I remembred not I tooke any as a justice. Mr Jones present. He said he would vindicate me. Mr Arnold told Shaftsbury he was present when I examined Faria & that I concealed nothing therein. Faria sworne at Oxford by Secr. Jenkins.

2^o. Sir W^m Waller told me at Harcourt's that he was soe hasty about Fitzharris for feare of a trapan, & that he would abscond from witnessing against him.

5^o [?]. With Hyde, to whome I related all things of the paper of this date. He appointed to meete before K. after dinner, but dyned with K. at St. Albans's.

8^o. With K., who told me the intrigue between Fitzharris & Mr^s Wall, & 100^l given Fitzharris by Sunderland's advice for Ld Howard. I told him about Everard & 60 ginnies given. He ordered me to drive on with Everard. — . . . paper whether Fitzharris were tryable, because of challenge on the impeachment of the commons. . . .

8^o April. . . . Hancocke told me Colonel Scott carryed the maps, soundings, lists [?] of ships &c to France, & that he wrote them for him, & discovered to Secr. Williamson & Pepys. . . . Everard told me he said in counsell, how shall I be freed from the mighty terrible parliament if I testify against Fitzharris; & that the king answered, the law will secure you against the parliament & me while you doe right. . . .

9^o. At night at the Feathers: Dugdale, Cresset, Everard, present. Dugdale cleared me about Scrogs being present at Feria's examination. Everard declared himselfe satisfyed, & said he was termed tory, because he gave bond for evidence against Fitzharris by his father in law & others. He promised to send me his letter to shew K. . . .

13^o. Speaking to D. Oates in Richards coffee-house, that K. had ordered Sir Jo. Davys to be tryed in Dublyn on the endictment here [?], & had ordered the witnesses to be sent over; as a man for treason in Yorke must be tryed there or by a Yorkshire jury at king's bench. Oates told me twas a trayterous position, & I must answere it. I told him twas his safety that what he spoke in Midx. or London could be tryed nowhere els. I told Cresset & Sir Wm. Jennings of this at night.

14^o. Sir Edward Fitzharris offered to goe to his son in Tower to get him to confes. . . .

16^o. Mr Thomas Smith in counsel chamber, before Lord Conway, Bathe, Craven & Seymour, justified that the Act of 35^o Eliz. was expired.

17^o. Everard with me at Richards coffee house: Mr Jones present.

He watched my coming out: Mr Pilsworth saw us in the streete. Everard then told me he would have me speake to K., that he might come to him, & he would discover all. He would betray none, but would helpe K. to other witnesses. I refused to speake to K. about him unles I had a letter from him, directing what to say. He said he feared ill use might be made of such a letter. I answered, I durst not speak without it. He promised to send one. I told this imediatly to Pilsworth in the King's Head tavern, who promised to write all downe.

18°. Sir W^m Smith, Sir Jas. [?] Berry, Mr Harriott, Mr Rowe, and Mr Povey & 4 other justices made me go with them to K. with an address to K. from Hicks Hall about K^s declaration. We dyned with Secr. Jenkins. At dinner much discourse about Rycroft. After dinner Jo. Groves examined, about saying K. as great a papist as Yorke & he wondred the Parlt did not chop off his head. Sir W^m Smith examined upon oath witnesses produced by Grove, which I excepted against, & cleared Grove; the prosecutor not present. Mr Povey said he advised the composition; was Groves friend. I appeared pro Rege. Groves proved of Lobb's congregation, a dissenter, & owned he never tooke the sacrament, though 35 ye^{rs} old. The secretary was present, but spoke not. Mnd: I knew nothing of the addres till read cor. Rege. . . .

21°. Cum R.; the paper about offices, pardon, & Tangier. Ordered to go to Mr Hyde about these.

With Sir Wm. Waller & Mr Tisser at Richards coffee-house. He shewed 2 of Everard's letters, bidding him [ch]arge Prince Rupert with the busines. He blamed Everard: said he feared him, but would testife [cor]am attorn^{ti}. genl. Mr Marriot with me. . . .

23°. Mr Bolron delivered me the paper about Oates. I told Mr Tho. Smith hereof, to advise Oates to speake lesse. Oates angry because I would not name the party.

Lord Howard told me he had bene with K. at Portsmouth's lodgings; that she tould him if ever Y. came in, she & hers must be ruined. That K. offred him great employ if he would come over; that he told this to Essex & Monmouth; & that K. said they & Shaftsbury had offred termes ¹ for bringing 16 ² into the counsell & other offices, to be reconciled to D. Y.; & now fell out with him therefore, but he would never consent to a popish herresie.

4° Maii. Captain Browne at Combes's comon [se ?]rgt of London told me how D^r Oates fell out with Everard, calling traitor, rascall &c, for giving evidence against Fitzharris. A western justice in Amsterdam coffee-house, the citty officer, & Captain Thornehill [?]; & that Shaftsbury composed the 1st quarrell.

4°. I delivered the deede of Mr Weld about Preston's estate to the lords of the treasury. Told them of Dugdale's discovery against Chetwyn, & of Dugdale's desire to be a custome-house officer, & his mony.

Admitted in before Earnley, Fox, Deering, though on petitions. . . .

¹ Carte, *Ormonde*, iv. 643, cited by Foxcroft, *Halifax*, i. 325, n.

² Or 10.

15^o Maii 1681. With Capt^s Cresset at Newgate: he gave Smith the bookeseller a bottle of clarret in the common roome. Smith the counsellor [?] of Oates present. He told us that Percivall gave him the Scotch newes, & that he was to be [re ?]leased by habeas corpus too morrow.

Thence to Sir W^m Waller. He told us that Goodenoughe had maliciously put him there because he testified against Fitzharris, & a man present offered to sweare that at one Ketches shop, a goldsmith in the Strand, proclamation was made to get arrests against him for that cause. I offered to take his oath, & to vindicate him: his lady, daughter, & M^r Everard present. Everard desired my silence about his letter, or to deliver it to him: I answered I was too morrow morne for Windsor. I asked Sir W^m Waller what service he had for Windsor: he presented duty to the K. I asked him privatly if hee had any particuler service to K., becaus through his hands & mine many secrets had past. He said, he would recollect. Thomas Smith & I went to Goodenoughe. I advised him, having wife & children as I had, not to be a martyr. He said, he would perish or have justice, & threatned the chancellor for fals imprisonment. Aaron Smith urged him to doe so. Adderley & several others came in. Smith & I told him what Sir W^m Waller could prove. I offred to contribute to Sir W^m Waller's debt rather then he should ly there: rejected with scorne. At Richards coffeehouse, Browne & Starkey owned a comittee was appointed to pay Sir W^m Waller's debts, with collections made; but now none would be pai[d ?] because Sir W^m Waller went not to Holland as he did before, but was a witnes against Fitzharris. Starkey said Sir W^m said he came voluntarily from Bristoll, & when I urged what Lord Howard's arguments were, why the court was not in with Fitzharris, Starkey said K. was in & others; but durst not speake out. Browne & Percivall fell out about Sir James Rushout's [?] debt from Waller, & Jenke's engagement to pay it & afterwards refusing it. Chetwyn & Merry fell out to blowes about the discoveries. Starkey said Chetwyn & Mansell were ill men both.

Jenkes & Whittacres were with Goodenough, & went thence to Waller. Starkey, Browne, & Percivall said they feared Sir W^m Waller was turned.

15^o. At Windsor. Shewed Everard's lettter to K., who said he would grant his pardon & should see him at Hampton Court.

19^o. At Hampton Court. Everard presented his petition; K. ordered Everard to put all in writing. Everard, as he came home in the coach, opened all to Sir W^m Jennings & Captain Cressett, & said there was a legion about London against the K., libellers &c. He knew all, & would discover if well used. He said he had complained in counsell against [Oates ?]¹ for threatening to indict him as in Fitzharris busines, which was at Richards coffeehouse before divers, & that he threatned Oates to strike him. I told Everard I wondred he would talk thus, when he had enjoyned me secresy, & that I never spoke to any. At night, at the Halfe Moone, I swore damme me I would lay out noe more money in their service, having such discouragements. I shewed Cresset then Everard's letter. Paid 10^s for Everard's coache hire. Sir W^m Waller dyned with us; complained of hott heads &c. Wednesday (?) after Whitsun weeke at Oxford: 2 addresses.

¹ Torn.

Lord Noris made a free man of Oxon., I with him. Thurseday the 2nd at Windsor with Everard, who delivered K. an answer to his declaration in writing, & spoke long in private. Lord Norris delivered the address of Com. Oxon. & Woodstocke. Sir Thomas Spencer, Sir John Doyley, Osbaldston, Tyrell, Pudsey, Alnut, I & Len¹ present: all kiss K's. hands.

20 June. At Windsor. Brought Fitzgerrald to K. who heard & comended him. He told of Haines & Ivy &c. & said he was now ready to prove all he had delivered, the letters &c. Fitzgerrald told me he had plaid Haines, Ivy & 4 others upon Shaftsbury, & they were ready to witnes his lordship's suborning them to swear against Q., D., & Ormond, & about Godfry death [?] by E. Danby, but all that the lords had delivered as from Haines was fals & untrue. He brought R^t Poore of Grayes Inne & another Irish man O'Brian to me. K. gave great thankes. He told me, the agreement was Lord Howard was to be made treasurer of Ireland and others great officers, on change of the government. He said Macknamarr, Denis, Turbervile, Lewis &c would come in & testify subornation, & said I was blamed by the court &c for acteing against Plunkett, & he was innocent.

22°. Indictment preferred against Lord Howard. Jury found ignoramus, 14 against 5. Everard told me he named Lady Baber to the jury, being asked who could invalidat M^{rs} (?) Fitzharris testimony against Lord Howard.

23°. Dugdale owned the 3 libels as published & wrote by Colledge, & he received them from his hands. Colledge went with Clarendon's man to his lordship.

Lewis told me, Jenkins answer was he would give noe mony to encourage discoveries, twould looke ill; they were for truth, not designes. Complained much how he [wa]s used: said his brother had sworne truth, Feria all fals, & said he was beaten in the embassador's house & basely treated.

28°. Macknamarr, Denis, Fitzgerrald & I at a taverne in St James's Market. Denis denied his being at Valedolid with Oates, that story contrived at Prance's. Said that & much more he had to say, soe a pardon. I urged the Verb. sacerdotis. Macknamarr told me he was comanded to write his evidence by Lord Hyde & Jenkins, & had done it in short, but could say much more, & specially about Lord Howard & Fitzharris at the coffee house. Appointed too morrow to shew his & Denis's information.

29°. They met not. I wrote to Lord Hyde in behalfe of Fitzgerrald & Dugdale, & to desire the allowance to Macn. & Denis might be paid to them. Macnamarr's brother at night at this lodging. First said he could say nothing about Shaftsbury; after some stop, said he was present when his lordship spoke the words proved by his brother & Ivy.

Haines examined at Sec. Jenkins by him & Lord Hyde. Rouse & Colledge seised thereon.

25°. Dugdale gave Jenkins information against Colledge about 3 libels, letter intercepted &c.

29°. Sir E. Deering in the House [?] told me he called at the

¹ His son, Lenthall Warcup.

treasury, & had ordered me 300^l which he thought I might have next weeke. Mr Ball trifled with me about agreement for privy seale.

30°. I tooke the informations of the two Macnamars & Denis at Fitzgerrald's chamber. They were sworne before Sec. Jenkins & myselfe, I went with Fitzgerrald to Hampton Court, shewed them to K. & carryed Fitzgerrald to K. ; had thanks. Lord Hyd told me on my letter he had ordered 100^l to Dugdale, 50^l to Fitzgerrald, & my other requests.

3° July. . . .

Macnamara went with me to Lord Hallifax & told him what Shaftsbury¹ perswaded Haines to sweare against him. He desired him to sweare it. I drew it up, that Haines had sworne before recorder that Fitzgerrald had told him that Lord Clarendon, privy seale, Sir J. Butler, Lord Arran, Fitzgerrald & others had sate in cabal to turne the Popish Plot on the protestants ; which Fitzgerrald reading fell into a mighty rage, threatened me for spoiling kings busines, & to complaine of me to K. & Lord Hyde &c. Admitted the thing to be true as I judged. I was forced to alter it, & left a certificate with Lord Hallifax thereof under Macnamara's hand.

He & Fitzgerrald & Smith confess being brought over, & Fitzgerrald bragged much of carrying this designe.

4°. . . . With D. Monmouth, by appointment of Vernon his secretary. I advised him to returne to his father ; told him of disobedience to his K. ; the story of Donaldson his footman ; the falsity of others of the witnesses ; therefore thought he might bee misinformed. He offered to goe to K. if he sent for him. I told him twas unfit for K. to send to him, but it became his grace to send to K. He refused, & said he had applyed by Portsmouth & other great ones, & was refused. He said Hallifax, Hyde &c were for popery, he for the protestant religion, & that he found I was turned. I bid him judge of me by Plunkett's death. [I]² told him, perhaps he would find he was not rightly informed of the K. & court in that ; becaus when himselfe had the administration, & he then knew the protestant interest was safe, yet the government was then decryed as much as now, & that I heard Sir W^m Jones would meddle noe further except in parliament. He was uneasy, and would not consent that I should come again.

4°. At night, the D. of M. sent his footman to desire me to come to him too morrow morn.

4°. At Man's coffee-house Vernon wished M. would leave the party & returne to K. He said he observed how uneasy the D. was with me. I repeated most of our discourse to him ; which he said was argumentum ad hominem, & he hoped would prevaile, & said he would inculcate to the D. & thanked me heartily. But promised upon honour never to speake of what I said, but to draw it out of M. & soe perswade.

3°. After dinner K. gave me leave to goe to M., but not a word of him, which I observed. I then told K., he might now see that whoever was his enemy was mine ; he owned it highly. K. at Hampton Court desired me find out the witnesses who could prove Oates his blasphemy.

¹ Who had been arrested on the 2nd.

² Torn.

5°. With D. Monmouth, who pretended his reason to send for me was to know who put me to come to him to goe to K. saying he should thence guesse his succes. He complained of Hallifax, Hyde etc. I told him my owne love to him. After many arguments, he said if K. intimated he might come to him, he would goe. His maine busines was to know whether I was a witnes against Shaftsbury. I told him I had hitherto avoided swearing: when I did, it should be truth. I was not at present a witnes against Shaftsbury. I owned that as a justice I had & would pursue truth, & doe my duty against anybody.

I was with secretary & Lord Hyde about Zeale. Hide said he needed noe one to justifie him; he defyed all the world, was furiose, but why?...

6°. Mr Smith swore against Whittacre & Colledge before Jenkins & myseffe. Dugdale, Feria, Combes with me. The latter watched me... [?] day] & found me with Smith, Lewis, & Turberville. Lewis owned Zeale would sweare any thing. Zeale came not. Turberville owned he had ben with K., but had not sworne yet. Said he was obliged to Secretary. Jenkins bid me enquire of Smith what he knew of Shaftsbury. Smith said he would recollect & about Bennett [?].

Tuesday 12 July 81. I went with Mr Graham and Sir W^m Jennins to Oxford about Colledge; bill found per Grand Jury. M^{dum} I did not speake with any of the witnesses there, except Jennens & Dugdale. Sent the captain post to Windsor to Lord Conway with an account. He was well received per Regem, Lord Conway, & Feversham, & thence posted to Hallifax, Hyde, & Jenkins.

17°. I was heard before Hallifax, Hyde, Jenkins, Seymour, and Conway: determined to proceede against Colledge at Oxford. Had great thanks. Hastings ordered to be undersheriffe. I was in private cum Rege; much encouraged by words. Burton, Graham, & I went thence to Saunders. On Munday morne met Lord Hallifax at Pemberton's; he settled the tryall of Colledge at Oxford. In the afternoone with Hallifax & Jenkins, where letters were ordered to Paris for Jennings; they ordered me to divide the proofs that could be had against Howard, Shaftes. &c at Oxford.

20°. My wife sent me a base letter sent to me at Oxon. I was with Fitzgerrald; I found him in great huffe. I was with Jenkins, Hallifax, and Clarendon in counsell chamber; I enlarged to Clarendon, & shewed him & Jenkins the base letter. . . .

21°. With Turberville, Macnamara, & Lewis at the 5 Bells, where I prest truth and conscience. . . .

At Mr Grahams chamber; Haines, Burton, the messenger & I present. The messenger lends Haines 40^s [?] till provision. This is the 1st time I ever spoke to him. Cresset told me that at the Amsterdam they say Jenkins saies he has nothing about this busines but from mee; false. . . .

21° Feb. [1682]. One Johnson, a sergeant of London, was at my lodging & told my landlady he had a writt against me at the earle of Shaftsburie's suit, & demanded an appearance, the same writ being against me in Middlesex, & he would not arrest me though he could. I sent him

5^o [?] by my landlady, & sent him word that too-morrow I would give order about it, soe he parted.

2^o Novemb. 82. I came in Bartlet's coach to London; one Mr Owen, a minister, in company with Mr Bartlett. Owen told me a popish prince would grant toleration, & that would introduce popery.

3^o. With Mr Lestrangle at Sam's coffee-house; where hee desires me to goe to C. J. Pemberton that night to stop favor to him, till he had discovered the authors of Noe Protestant Plott & Wilkinson's Narrative. C. J. agreed to it, till pleasure of the lords was known.

5^o. With Sec. Jenkins, Lord Hallifax &c. They ordered according to Lestrangle's letter. Jenkins owned the receipt of my letter, & excused his not replying to it, & told me I must stay in towne this wynter. I answered, if service required I would. Lord Hyde thanked me for his letter, & bid me come to him at any times.

26^o Nov. With Lord Hyde, halfe an howre. He said the voluntary present to K. was not approved, because it must fall on the K's. friends. He said Graham had too great busines to attend that as formerly. He bid me concert with Graham an opinion in writing touching endicteing association found at Ld. Sh., & present it to the lords. Clarendon presented me to D. Y. to kisse his hand: Lord Norris there, who kist his hands, made an earle.

Dec. 82.

12^o. Cum Rege, Hallifax, the 2 secretaries, Lord North, Lord Sunderland. Papers read that were delivered to K. about the growth of popery.

I urged to prosecute S.¹ for association found in closett. North agreed it a misdemeanour fineable. Told K. what service I had done, and at his house at night said was of weight & he would consider, & bid me goe to some of the lords & debate it further.

12^o.² Agreed with Dr Taylour for 500^l to Lady Portsmouth, 100^l to himself [?] for a company of the Guards to my son.

15^o. Narrative Smith told me a great man who pumped him to know whether I did not tell Lewis what he should carry to [*illegible*] in London: he said he answered positively to my fidelity. He told me Oates had offered somewhat toward coming in, & desired me to aske K. if such a service would be gratefull. I did so. K. told me they were all knaves, Smith a whipster & bid me beware of snares, & said he would be willing to see Smith at Chiffins's, when he had furnished himselfe with ought materiall. I told that to Smith, & bid him beware of tampering, & that Oates knew, I beleived, of all things, association &c: that twas wondrous that in all this time none came to confirme Smith's testimony. He said fanaticks would doe it: which I said would be a considerable service [?]. At the Kings Armes taverne.

15^o Decemb.³ Smith shewed me Oates's brother, who preacheth in

¹ Shaftesbury had left England on the 28th November.

² A separate entry.

³ Some pages on.

Southwarke at Beale's coffee-house ; saying he came about his brother the doctor. I dyned with Bradley at the . . . ; who asking me why I went then to K., I answered, to have assurance I was not in disfavor. I told Clarendon of Lord Cholmleyes daughter with 10,000^l portion for his son by order of Clem Saunders, and of Sir William Smith's offer about derelict lands in Stepney Manor. M^{dum}, upon hearing the presentment of the Midx jury 6^o Dec. 82 the paper of printed orders read [?] before finished. I told Mr Adderley that we ought not to judge & declare the non-communicants recusants, & desired to have it amended. Sir W^m Smith carryed it to Sec. Jenkins' office. I there desired him to amend that expression before twas printed ; who refused it, saying we must be bold now.

17^o Dec. 82. Cum D. in his closett. Castleton saw me. I advised a spye at Amsterdam.

Suspicion of Lord Newport, Godolphin, & others. He refused to recommend my son to new keeper.

[January 1683.]

18^o. Delivered Baldwyn's information against Hunt about the defence of citty charter to Sec. Jenkins, Lord Privy Seale present : they agreed to report it next morne to the counsell, but omitted.

20^o. With Sec. Jenkins, who pretended he had lost it, or had it not, & chid me about it.

22nd. He confest he had it : Mr Guinn, his clerke, had found it.

22^o.¹ With Captain Cressett another in the Old Baily & Mr Hancocke, who railed against Lestrangle. Told me privatly of a meeting with Capt. Titus, Mildmay, Sir Gilbert Gerrard & 12 other parliament men : where they resolved first to vote K. 1 million of money, then to charge the advisers of the dissolution & declaration upon it, & me in particuler, then to proceede to a divorce of Q. . . . & promised to be pro K. & to come to my lodging. Told the story about the paper of Dubois, & had all in his custody. Told all the story about Colonel Scot, & that Pepys sent him the 50^l. Mr [Combes] there. . . . Twas there resolved that I among others must be prosecuted in parliament.

26^o. With Lord Hyde. Shewed him the papers about Shaftsbury. Told him of the miscarriage about Hunt ;² he said these things were past. Persuaded him to take white staffe, urged Shafts. two nephewes and com^s [?] of treasury, being as twere spyes upon him. Asked him whether the 6 mo. delay of Shafts. tryal was not someway contrived. He said, of his conscience, no.

I urged the doubts in all addresses about the association, whether the same were found at Shafts. or forged. . . .

May 3^o 83. A tryall at barr between D. of Ormonde & W^m Hetherington : I was brought out of Oxfordshire by subpoena. I swore that about the latter end of Jan. 80 Hetherington, at a taverne neare the old Exchange, required me to acquaint the K. that, if his majesty would hearken to him,

¹ This and the remaining extracts of the year are written at the opposite end of the almanac, but to keep the order of chronology are here printed after the extracts of January.

² Luttrell, i. 247.

he would help him to 2 or 300,000^l p. an^m in Ireland of those in the Irish plott. That Ormond & Tyrone & others were in it; that Ormond is a papist & in the plott. Narrative Smith did confirme this, that K. said he knew Ormond was noe papist, nor in the plott; which I returned to Hetherington who said, 'since the K. will not believe me, I know those that will; Ormond is a papist & in the plott'. Hetherington confest the 2 or 300,000^l p. an^m, & did not deny the rest. . . .

Mr Williams sharpe upon me. I said I had told Hall[ifax], Hyde, Jenkins, & the cabinet hereof.

Sept. 24^o 83. I went to London with Sir W^m Waller & Sir Robert Jenkinson with the addresse of Oxfordshire. Treated at Sec. Jenkins' & Lord Clarendon's. Returned 28^o. Cost 3^l [?] the journey. . . .

29^o Octob. 83. With the lord keeper. Presented the presentment &c. of the grand jury of Oxon. of Michaelmas sessions, comanding me to move his lordship for the king's proclamation to put the statute of 5^o Eliz. touching labourers in due operation over England. His lordship answered, twas an excellent thing, & he would acquaint his majesty with it, & said he was weary & tyred at the lord mayor's feast. Same night Mr Neale of the bedchamber promised to beg the fine to be sett on the Lord Clare's steward, Mr [blank] and I to have one half. Sir Richard Deerham, Mr Cresset, present. . . .

19^o Junii 84. Subpnaed to the K^s bench court in D. of Yorks suit against Oates. Sir W^m Jennings & C. Cresset sworne. I swore that Mr Heron tooke me by the hand into a room parted by a hangeing from that where Sir W^m Jennings & others with Oates were; that Heron began the duke's health; 'here is a health to James D. of Yorke & God.confound his enemies'. After we had dranke it round, I went into the other roome, where the gent. told me Oates had said the duke had betrayed the nation & wished, if the devill had a hotter place in hell than other, that he would reserve it for the duke. I met Oates afterwards, & asked him why he would speak such undecent words of the duke, whome we knew to be the king's brother & as virtuous a prince as trod on the earth. His answer was; he is a traitor & in the plot, & you are a Yorkist, & Ile remember you for it. Mr Attorney asked me if I were not afraid. I answered, I was to be impeached at that parliament.

3^o Decemb. 1684. A petition delivered by me to the king & counsell. Read, & ordered to referr to the L^d of the treasury for gratification: 3^l 2^s 6^d fee for the order & 20^s spent about attendance. This petition was seconded by the duke, lord keeper, Lord Hallifax, Rocchester, Craven, & Clarendon, C. J. Jeffreys & others, in a high measure, but Mr Gwyn drew the order very short.

[On a blank page, bound with 1684.]

M^d Hyde to be treasurer, with the reasons. Feare of Sunderland &c. & a^{tt} gen^l dare not discourse K. before him. Parties to divide, next Parl^t. Union will ruine Fr.¹

¹ ? France.

Reviews of Books

The Roman Republic and the Founder of the Empire. By T. RICE HOLMES, Litt.D., D.Litt. 3 vols. (Oxford: Clarendon Press, 1923.)

To write the story of the age of Caesar and Cicero needs the robust political sense of an Englishman; and Dr. Rice Holmes possesses it to the full. Who but an Englishman would have written the paragraph in which he sums up the case of Cicero and the Catilinarian conspirators, ending with the words: 'though jurists may still question the justice of his conduct, men of action who have been confronted by rebellion will endorse his words, "the highest law must be the Safety of the State"'? Who else would have written in reply to Tyrrell's attempt to prove Caesar's complicity in the plot:

'The unequivocal testimony of Suetonius' was precisely as unequivocal as the testimony of counsel for *The Times* when he called as one of his witnesses the late Richard Pigott. Mommsen did well to omit it, since it rested partly upon an alleged utterance of Catiline, partly upon the 'promise' of Vettius—as notorious a liar as the adventurer who tried to ruin Parnell?

Dr. Rice Holmes has lost not a spark of his fire and vigour; he is still the *malleus haereticorum* and wields not the hammer in vain. We have only two regrets in laying down the book; the first, that its author will hardly set forth to conquer fresh worlds, having made himself finally master of that to which he has devoted the scanty leisure of a busy lifetime; the second, that he has not fulfilled the promise of his title, since the first volume, which bears the sub-title 'from the origins to 58 B.C.', brings us down to Tiberius Gracchus on p. 15 and to the death of Sulla on p. 64. It is in fact the history of the Ciceronian age, prefaced by a brilliant sketch of the Roman world in that period, which Dr. Rice Holmes has written. The title also leads us to expect a fuller treatment of the constructive work of Julius Caesar than we find in vol. iii. It is no doubt true, as Dr. Holmes writes, that 'we have no clue to the principles that directed his policy except the bald and imperfect records of his acts'; but it might perhaps have been possible to deduce somewhat more of the schemes for local self-government which Caesar had conceived than is here given us, by making fuller use, e.g., of the charter of Urso, which is undoubtedly based on drafts prepared during Caesar's dictatorship, although the actual foundation of the colony took place after his death by the authority given to Antony for the ratification of the *acta Caesaris*. It has recently been shown by Dr. von Premerstein that a similar explanation holds good for the congeries of enactments commonly known as the *Lex Julia Municipalis*, and had Dr. Holmes been in time to take the German scholar's work into account he might well have supplemented and modified the excellent discussion of the theories of Dr. Hardy,

Professor Reid, and others which he gives us in vol. iii, pp. 553-64. In a note on p. 322 Dr. Holmes expresses the just opinion that Dr. Kornemann, in his study of Caesar's colonizing policy, 'gives too free play to his imagination', and rejects, as others have done (notably M. Pallu de Lessert in a valuable article in vol. lxxi of the *Mémoires de la Société des Antiquaires de la France*, which seems to have escaped Dr. Holmes), Dr. Kornemann's theory about Carthage and the *coloniae* of the adjacent region; but he himself combines a lively historical imagination with a keen critical faculty, and we could wish that he might still give us some more positive results of the study of this and kindred questions.

Dr. Holmes has also refrained from a close examination of Caesar's work in the eastern provinces. Here Professor Rostovtseff has shown the way to interesting results in an article in the *Journal of Roman Studies*.¹ Caesar's liberal policy and his grants of citizenship to the representatives of later Hellenistic literature (such as Artemidorus, Potamon, Theopompus, and Satyrus), who worked with ability and success in the cause of their various cities, were worthy of mention. It is not perhaps surprising that Dr. Holmes has not entered into minute detail in discussing the grants of privileges to the Jews so inaccurately calendared by Josephus; a reference to the late Jean Juster's treatment of the subject in the first volume of *Les Juifs dans l'Empire Romain* would, however, have been in place.

But it is by his power of constructing a vivid narrative on the basis of our literary authorities, with every line of which he is thoroughly conversant, while his sense of proportion and perspective saves him from overloading his picture with details, that Dr. Holmes has won the high rank amongst historians which he deservedly holds; and the present work is in every way worthy of him. Naturally enough, he has abridged the account of Caesar's exploits in Gaul and Britain contained in his previous volumes; he is also less dogmatic on some points than he was. We find, in place of his 'very last words on Portus Itius', a foot-note which says 'whether it was at Boulogne or Wissant is still disputed' (ii. 108); he does, however, allow himself the satisfaction of demolishing a recent attempt to identify both Gesoriacum and Portus Itius with Sangatte, although he regretfully writes of its author: 'Some amusement might be derived from a minute examination of his arguments, but I reserve what I have written: the "solution" does not merit a sumptuous funeral' (some scraps of the banquet are, however, to be found in a characteristic foot-note). Students of military history will not be surprised to learn that the sections on Pharsalus and on the campaigns of Caesar's civil war, especially that in Spain, of which Dr. Holmes writes from personal examination of the *terrain*, are amongst the most valuable of the book. H. STUART JONES.

The Roman Occupation of Britain. By F. HAVERFIELD, revised by GEORGE MACDONALD. (Oxford: Clarendon Press, 1924.)

STUDENTS of Roman Britain long looked to Francis Haverfield to give them, after nearly a hundred years, a successor to Horsley's *Britannia Romana*. That hope was disappointed by his death in 1919, and now we

¹ vii. 27.

must be content with this publication of his six Ford Lectures, given as long ago as 1907. Though it is not the final work Haverfield had planned it is (it need hardly be said) by far the best book upon the subject. To say that the chapters dealing directly with the history of Roman Britain contain little that is new is really to pay a tribute to the influence of Haverfield's own teaching and of the work he published in his lifetime, for it is through them that we have become familiar with the matter of this book and with its point of view. The pity is that his more technical studies left him no leisure to work up these lectures into the book he had designed. As it is, gratitude is due to Dr. George Macdonald for revising the lectures and supplementing them with a series of judicious foot-notes. Foot-notes, it is true, are no substitute for a revised text, and Dr. Macdonald has recast the text only where Haverfield's other writings, or his notes, supplied material. Yet one cannot but approve of this scrupulous respect for Haverfield's text, for his language as well as his opinions. For this volume is not only a book upon Roman Britain; it is a memorial of its author, and it is truer of Haverfield than of most recent historians that the style was the man. In this volume, as elsewhere, Haverfield's writing—easy, vigorous, idiomatic, economical of ornament and emphasis—always conveys the man's strong sense of actuality. It was this sense that made him concentrate his Roman studies upon his own Province, and turned him from disputation upon meagre and dubious texts to the continuous and tangible evidences of archaeology. His friend Franz Cumont, in his *Comment la Belgique fut Romanisée* (a book that owed much to Haverfield's *Romanization of Roman Britain*), expresses the hope of 'ne pas encourir le reproche d'aborder un sujet manquant déplorablement d'actualité'. One may attribute the same feeling to Haverfield. It is indeed clear that he always had in his mind the question of whether anything of Roman Britain survived into our later history. In general, he saw no connexion between Roman Britain and later Britain, and there was, perhaps, something of disappointment in the asperity with which he occasionally turned upon less critical writers who had little difficulty in finding the Roman survivals they looked for.

The article on 'Early British Christianity' which Haverfield contributed to this Review in 1896,¹ along with his more recent article on 'Early Northumbrian Christianity' in *Archaeologia Aeliana* (1918), might have been used as material for a chapter upon the British church and the changed direction it gave to that Celtic resurgence upon which Haverfield in recent years put so much stress. Such a chapter would have relieved the negative impression conveyed by these lectures. As it is, they may seem too decidedly negative to those who still await a well-founded judgement from early Anglo-Saxon archaeology as to possible continuities of craftsmanship and kindred matters. With the 'practically unexplored' region of early Anglo-Saxon archaeology in Britain Haverfield contrasts the extensive exploration of Roman Britain. That this exploration, for a generation or so, has been carried on methodically is due more to him than to any other man. From his chair at Oxford he was able to impress upon students the need of technical training, of familiarity with

¹ *Ante*, xi. 417.

the researches of continental scholars, and of co-operative effort, especially of co-operation between local archaeological societies and the universities. The Society of Roman Studies, with its *Journal*, the Haverfield Bequest Committee, and the Haverfield Library at Oxford give promise that the study of Roman Britain will continue on lines that he would have approved. Meanwhile, for an example of what co-operation can do we need look no further than this volume, in which the value of Haverfield's lectures is so much enhanced by the unselfish labour, as well as the special knowledge and sure judgement, that Dr. Macdonald has put into its preparation. By his editorial work and foot-notes, his bibliography of Haverfield's scattered writings, and his notice of Haverfield's life (a model of its kind), Dr. Macdonald has done much for the study of Roman Britain and for Haverfield's memory.

S. N. MILLER.

Wirtschaftsgeschichte des Mittelalters. Von RUDOLF KÖTZSCHKE. (Jena Fischer, 1924.)

THIS book is one of the volumes of a comprehensive undertaking which is to cover the economic history of the principal countries of the world. Among others England has been treated by Dr. Brodnitz of the university of Halle, the general editor of the series.¹

Dr. Kötzschke, of Leipzig, a pupil and successor of Karl Lamprecht, presents in a volume of 626 pages a survey of the economic development of Europe during the thousand years which elapsed from about A. D. 500 to 1500. It is not easy to estimate the performance of a writer in such a work: the scope of the undertaking is so vast that one hardly knows what to expect and what to allow in view of the natural limitations in space and time. It may be said at once, however, that Dr. Kötzschke's book does not really cope with the problem in all its width. In spite of certain digressions and of some general sketches, the history of eastern, northern, and southern Europe is hardly touched. The reader's attention is directed chiefly to the countries of the West, and even in this narrower circle England and Italy are not discussed on the same scale as Germany and to some extent France.

This is natural enough on the part of an author who is particularly at home on the Rhine and in central Germany. But although one cannot reproach a scholar with being particularly familiar with certain questions, it cannot be overlooked that there are limitations in the case under discussion which endanger the author's balance of opinion in the discussion of the principal issues. I should like to point out in this connexion that the insufficient consideration of Scandinavian antiquities in the province of economic and social evolution deprives the author of a powerful counterpoise against the extreme Romanism represented by Fustel de Coulanges in France and, recently, by Dopsch in Austria. It is in the light of northern history, as interpreted, for instance, by Konrad Maurer and by Amira, that we come to understand the character and the extent of the Germanic elements in medieval culture. A reader who takes up Amira's concise account of German law (*Das Recht*, originally published in Paul's *Grundriss*

¹ See *ante*, xxxvii. 154.

der Germanischen Philologie) after having perused Dopsch's last book on the foundations of western culture (*Grundlagen der Europäischen Kultur-entwicklung*) may well ask whether European society is really to be derived exclusively from the decay and the remodelling of Roman institutions, and whether the features of traditional custom and self-government, so strongly marked in the history of Norway, Sweden, and Denmark, are not connected with principles which are also noticeable in the history of Germany and of England, and which have exerted their influence to a lesser extent in France, in Italy, and in Spain. The powerful reaction against a literature permeated with German nationalism in the period from 1814 to 1914 has seemingly led historians to the opposite extreme in trying to wipe out almost all originality in the contributions to European culture made by the late comers of the Indo-European stock, the Celts, the Teutons, the Slavs, and Lithuanians.

Another limitation of Köttschke's book may be explained by the general orientation rather than by the personal peculiarities of our author. I mean his insufficient grasp of legal materials and juridical literature. It may be said that he observes the world with the one eye of the economist and does not realize the necessity of widening his range of vision by the use of the lawyer's eye. Again he follows Dopsch in this respect; the Austrian scholar has not scrupled to ridicule, e. g., Gierke's appeals to one or the other well-known passage of early law, like Chilperic's edict or the Lex Salica. One may perhaps go still further and recall that Fustel's reconstruction of Merovingian society is achieved almost exclusively with materials obtained from Gregory of Tours, the Lives of the Saints, the formulas and diplomas drawn up under the influence of Roman traditions. There is not much room left for any inferences from the laws of the barbarians, and one may well wonder why these strange people spent such efforts on putting these laws together and propagating them in so many copies. Undoubtedly, for all those who consider medieval customary law as a most characteristic expression of popular life and thought, such a ruling out of a whole class of records must appear a very injudicious and misleading form of investigation. One would like to see the drawbacks of the narrative and diplomatic sources critically examined with a view to weighing and elucidating the evidence. Dr. Köttschke is too modest a writer to indulge in scathing remarks like those made by Fustel de Coulanges, but he follows in Dopsch's footsteps in minimizing the importance of legal sources and overlooking some obvious conclusions to be derived from them.

Turning to the results we have to note that Dr. Köttschke's survey is based on an extensive acquaintance with the literature of the subject, more particularly with German books and articles. The writer takes great pains to present the various problems with as much detail as is compatible with the general scope of his work. Unfortunately what he gains in fullness of description he loses in sharpness of outline and in clearness of leading principles. It seems to me that the chief value of the book for readers consists in the help it gives to those who begin investigation on some given point; they will generally be able to obtain useful hints as to the scope of the inquiry and the literature to be consulted. But the text is

not stimulating enough to invite continuous reading. In other words, the new 'economic history' is rather a book of reference than an original product of thought.

Hence the somewhat colourless style and the hesitating attempts to effect compromises between conflicting theories. The author is best at home in the region of 'mixed' Romano-Germanic culture (*Mischkultur*) which stretches along the Rhine; his special studies as editor of Rhenish extents (*Rheinische Urbare*) have provided him with many interesting details concerning the agrarian condition of this region in the middle ages. But the farther away he gets from this central highway, the more questionable his information becomes. As regards England he relies almost exclusively on the German version of Seebohm's *English Village Community* and on Rhamm's confused book on the *Grosshufen der Nordgermanen*. For the questions bearing on the direct contact between Roman civilization and Germanic barbarism the book is worth consulting. Its orientation in these matters is mainly influenced by the 'manorial' school of German historians, as represented by Knapp and W. Wittich.¹ The author lays stress on the *Grundherrschaft* (manor) as the principal factor of economic organization and progress among the Germanic kingdoms. From this point of view the driving power in the social evolution of central and western Europe is assigned to the aristocratic leaders of conquest and colonization. Agrarian institutions appear to a great extent as the products of conscious arrangement and reception of technique, while popular custom and instinctive adaptation to conditions of natural husbandry recede into the background.

As an illustration of the process we may take Dr. Kötzschke's treatment of the problems of the holding—the formation of standard units of land-tenure—the *mansus* of Frankish Gaul, the *Hufe* of Germany, the *hide* and its subdivisions in England. The origin of this curious phenomenon is sought, in conformity with Dopsch's researches, in the acceptance of the practices of Roman surveyors, by the barbaric auxiliaries and conquerors of the empire.²

Two kinds of *Hufe* arose as a result of this 'reception'—the small holding of 10–12 hectares (30 Morgen) as the normal and traditional allotment of the tributary peasant and a 'royal' holding of 120 Morgen (48–50 hectares) derived from the *centuria* of the Roman surveyors and corresponding to the English hide. The originals of these holdings are to be looked for in the *acceptae*, the normal allotments of Roman colonists, although the term disappears completely in medieval times.

Although English and Scandinavian facts are mentioned only in passing, the references to them are not always correct; why should the *bovate*, e. g., be described as the land of a small plough (p. 260), or the *bol* be connected with the Romano-Celtic *bunuarium* (p. 258)? These are minor matters, but serious doubts arise in connexion with them. Is it

It should be noted that Professor G. v. Below, who may be regarded as the most authoritative representative of German learning in the field of economic history, maintains the essential ideas of a 'Mark theory', e. g. *Probleme der Wirtschaftsgeschichte*, pp. 29 ff.

¹ Kötzschke, pp. 252, 256.

at all likely that barbaric settlers started with definite assignments by surveyors? How could economic standards be derived in various countries from identical allotment in blocks or in strips? A process in the opposite direction is indicated by such facts as the *foraskift* of the Norsemen, which gives way to the regular *sólskift* only as a result of later regulations. It may be remembered that Tacitus, speaking of the Germanic colonization, supposes scattered settlements: 'colunt discreti ac diversi, sicut fons aut nemus placuit.'¹ At the same time, although assignments were hardly arranged from the beginning along the surveyor's chain, the notion of the right to equal shares was deeply engrained in the consciousness of the tribesmen and reasserted itself in the case of revised settlement. Although periodical shifting of the arable was not usual, the neighbouring settlers (*grannae*) were subjected to many requirements of common husbandry which testified to a kind of eminent domain on the part of the kindred or of the village settlement.

Altogether, in order to make good use of Dr. Kötzschke's book one ought to regard it as a starting-point in the study of the evidence and not as a judicious estimate of results.

PAUL VINOGRADOFF.

Les Rois Thaumaturges : Étude sur le Caractère Surnaturel Attribué à la Puissance Royale particulièrement en France et en Angleterre. Par MARC BLOCH. (Strasbourg: Istra, 1924.)

IN his researches into royal healing, M. Bloch may appear to have followed a curious bypath; but by bearing in mind the greater issues raised by the beliefs and superstitions analysed here he has made, to our thinking, a more useful contribution to the study of the medieval origins of divine right than any that has appeared since the publication of Dr. Fritz Kern's *Gottesgnadentum und Widerstandsrecht* in 1914. He generously acknowledges his debt to the work of M. François Delaborde² and Dr. Raymond Crawford;³ but he has gone further than specialist writers on medical history and folk-lore, and produced a comprehensive historical treatise on the exercise of the supernatural powers attributed by ecclesiastical and by popular opinion to French and English sovereigns from the early middle ages to comparatively modern times.

The main theme is the cure of scrofula by the king. In France, M. Bloch argues, Robert the Good was the first monarch thought to possess the power to heal disease in general by touching. His successors were credited with the same gift; but from the times of Philip I and Louis VI it was the sufferers from the special malady of *scroellae* or tuberculous inflammation of the neck glands that were brought to the king. In England the practice began, not, as the *Lives* allege, with the Confessor, but with Henry I, who

¹ Kötzschke, p. 262. To what extent agrarian measures had to adapt themselves to various traditional standards may be gathered from the studies in Seeborn's *Customary Acres* (1914), e. g. pp. 601 ff.

² 'Du toucher des Écrouelles par es rois d'Angleterre' in *Mélanges d'histoire offerts à M. Ch. Bémont*, 1913.

³ *The King's Evil*, 1911; and 'The Blessing of Cramp-rings: a Chapter in the History of the Treatment of Epilepsy' in *Studies in the History and Methods of Science*, ed. Charles Singer, 1917, i. 165-87.

was, however, careful to give it a respectable origin by getting the biographers to attribute it to St. Edward. In both cases political reasons account for its adoption. In France, where primogeniture was becoming predominant over election, the author sees in it an attempt of the dynasty to set the seal upon hereditary right by an appeal to the supernatural powers of the Capets; in England, where Henry I had recently been in conflict with reforming clerical opinion, it may well represent a counter-claim to sanctity made on behalf of the royal power in the spirit of the anti-Gregorian treatises of the contemporary Anonymus of York. By the end of the thirteenth century the royal touch had become an excellent weapon of propaganda, as legal knights of Philip the Fair such as Nogaret and Plaisians discovered; then and thereafter its exercise was regarded as endemic in the French and English royal houses, as a letter of Bradwardine to his Merton scholars in 1344 testifies.¹ For evidence of the popularity of the royal touch M. Bloch goes very carefully into statistics of the numbers and *provenances* of the persons touched. By studying such archives of the Hôtel du Roi as survived the fire of 1737 and the enrolled accounts of our own exchequer (Wardrobe and Household) he has been able to show (a) that both Philip the Fair and the three Edwards were credited with high miraculous power; to Philip came persons not only from all parts of France but also from Spain and Italy, while Edward I in 1289-90 touched as many as 1,736 people; (b) that the popularity of the cure might be affected by the personal reputation of the monarch; the agreement of the chroniclers on the character of Edward of Carnarvon is supported by the decreasing figures of his 'cures', and perhaps with this decline we may connect Nicholas de Stratton's embassy to John XXII to obtain for his master permission to be reanointed with holy oil in the possession of John of Brabant—the second sacring might increase his miraculous gifts and with them the people's confidence—(c) that the Plantagenets practised touching outside their own realms; but that when they did so, as e. g. in the case of Scotland and Flanders, it was in virtue of their claim to be the legitimate rulers of the territory; 'les Écossais bénis par Édouard I, auquel ils s'étaient ralliés, les Flamands bénis par Édouard III, à leur gré héritier authentique de la couronne française, n'attendaient un prodige de ces monarques que parce qu'ils les considéraient comme leurs maîtres légitimes' (p. 107). The entries of the sums disbursed to the 'benedicti de manu regis' in the Wardrobe Accounts reveal one reason for the popularity of the treatment; each 'cured' person received a penny, a sum later increased by Edward IV, M. Bloch thinks, to 6s. 8d., for the equivalent of which was struck the angel, a coin described in Miss Farquhar's work on royal charities. The great rise was a bait to bring people to the cure, the proof of Yorkist legitimacy. The other side hotly contested the miracle. Fortescue, writing during exile in Scotland his *De Titulo Edwardi Comitis Marchie*, denies miraculous powers to Edward, claims them for Henry VI. The legitimate prince alone can heal by touch.

¹ *De Causa Dei contra Pelagium et de Virtute Causarum ad suos Mertonenses Libri Tres*, cited p. 99: 'Quod [the miracle of healing] et omnes Reges Christiani Anglorum solent divinitus facere, et Francorum, sicut Libri Antiquitatum et fama Regnorum concors testantur: unde et morbus Regius nomen sumpsit.'

But legitimism is not the only source of belief in the monarch's sanctity ; he is holy and so can cure, because he is the Lord's anointed. The church claimed that the king's healing power was a gift communicated to him by the unction which he received in his consecration. She lifted him above the laity ; then, realizing what the consequences of her action might be (one remembers here the claims of the emperor Henry III related by the Liège chronicler), she had to deny to unction the character of a sacrament. She surrounds the rite of touching with her ceremonies. The king communicates in both kinds before he touches ; dips his hands in consecrated water, signs the sick with the cross. Two of the most interesting sections of M. Bloch's work are, first, the detailed account he gives of the church's 'conquest of a magic recipe', the primitive and exclusively English remedy of the cramp-ring against epilepsy, made (from the time of Edward II to that of Mary Tudor) from gold and silver which the monarch has deposited on the altar every Good Friday after the ritual of 'creeping to the Cross' ; and secondly, the chapter in which he shows that at the end of the middle ages in France the legend of St. Marculf became inextricably connected with belief in the royal miracle. The king immediately after his consecration makes a pilgrimage to the tomb of the Carolingian saint (who during life and the early period of his interment had not specialized in scrofula), from whom he was widely considered to derive his power over that disease, although the canons of Rheims, jealous for their holy balm, naturally contested the popular view. There is no room here to dwell on the various instances in which M. Bloch has shown how the two elements—popular reverence for the legitimate prince and the specifically Christian conception of the consecrated ruler—combined to frame the legend of the wonder-working king. They can be seen inseparably blended in the attitude adopted towards the healing rite during the period of absolutism in France and of Tudor and Stuart rule in England. But for this blending would the rite have survived the Reformation in this country ? It is very doubtful. Under Elizabeth part of the ritual is lopped off, the cramp-rings with their Roman ritual disappear, yet loyalty to the house of Tudor still keeps the practice alive. James I, thinking of his Scots teachers, grumbles at it, yet performs it none the less. Under the later Stuarts it was one of the props of Anglicanism, itself a fusion of dynastic loyalty and religion. It is characteristic that in England a change of dynasty, in France the laughter of enlightenment, should prove its destruction. (Yet even there indeed it flickers into life once more under Charles X ; only the formula) Le Roi te touche, Dieu te guérit ' has become the half-hearted 'Le Roi te touche, Dieu te guérisse'.

The author's analysis of the royal legend, the real and well-applied erudition of his notes and appendixes, and, in spite of a certain prolixity here and there, his power of marshalling a great mass of new material will provoke the admiration of all who, following Dr. Kern's example, realize that the history of divine right written from the theorists and pamphleteers alone is only half written. A book like this shows how necessary it is to have recourse to the ceremonies and institutions of kingship as well as—and this has been Dr. Kern's omission so far¹—to the popular literature

¹ See the review of his remarkable work in *Revue historique*, cxxxviii. 247.

about these rites. But the very realization of the complexity of his subject has led the author into certain obscurities of arrangement. The second chapter, 'L'Évolution de la Royauté Sacrée', would perhaps form a better introduction to the rest of the book than the discussion of the beginnings of the healing rite, which now stands first, and § 4 of Book II, 'Le Toucher des Écrouelles devant l'Opinion Ecclésiastique', should, we feel, be brought into closer alliance with his remarks on 'La Royauté Sacerdotale' (pp. 185-216). The impression gained from the first few chapters as they now stand is a little disjointed and perplexing. To have dealt with the healing practised by the Roman emperors would, we admit, have been a task outside M. Bloch's sphere; yet we do not feel him to be justified in dismissing their efforts as 'exemples isolés', as he relegates Vespasian to a few lines of text and a foot-note. On a point of interpretation, we do not feel at all sure of the political reason which he assigns to the beginning of the English rite by treating the biographers of the Confessor in a somewhat cavalier fashion (pp. 48-9). His estimate of the number of persons 'touched' by Edward I and Edward III (a very remarkable feat among such difficult documents) is naturally incomplete; but he will find some of his perplexities about the Great Wardrobe resolved in a recent paper by Mr. Charles Johnson.¹

E. F. JACOB.

Calendar of Early Mayor's Court Rolls preserved among the Archives of the Corporation of the City of London at the Guildhall, A. D. 1298-1307.

Edited by A. H. THOMAS, M.A. (Cambridge: University Press, 1924.)

A MAYOR'S court, as distinct from the ordinary borough court in which he presided, appears in some of the greater towns in the thirteenth century or in the early part of the fourteenth before the appointment of justices of the peace in boroughs, as a standing piepowder court dealing with cases in which 'foreign' traders were concerned more expeditiously than the limited number of meetings and cumbrous procedure of the borough court allowed. To this origin, as Mr. Thomas shows in his valuable introduction, the mayor's court of London can be traced, but it differed from the normal borough piepowder court in that (1) it soon came to entertain pleas between citizens (and a majority of the cases in these rolls are of that class) and (2) the older sheriff's court exercised a concurrent jurisdiction both over citizens and foreigners. The business of each court was gradually extended in relief of the overburdened husting court from which they ultimately took over practically all cases begun by simple plaint (*querela*), leaving to the husting actions begun by royal writ which would not brook delay. The relations of the mayor's court to the sheriff's court are in some respects obscure, and Mr. Thomas has not been able to clear up this obscurity fully. The sheriff's court was not only the older of the two, but in the period covered by these rolls it was still the better organized and the more frequented tribunal, and its right to exclusive jurisdiction in cases of debt and covenant, which had been formally recognized as regards debt in 1259, is occasionally admitted in the pro-

¹ 'The System of Account in the Wardrobe of Edward I' in *Trans. Roy. Hist. Soc.*, 4th ser., vi, especially pp. 68-70.

ceedings of the mayor's court. Yet from 1300, at all events, the latter court is constantly dealing with these actions both in the first instance and by review on complaint of error, and the sheriff himself in his official capacity appears both as plaintiff and defendant in that court.

It may be that in cases of debt and covenant he did not usually claim his court and perhaps received the amercements, but the question is one for further research. There is indeed an early city ordinance which gave debtors who were unwilling to plead before the sheriffs, on the ground that they were freemen, access to the mayor's court, conditional on payment of the amercements to the sheriff, and this ordinance was dated by Miss Bateson c. 1300. Mr. Thomas, however, seems to have established for it a date seventy years earlier (p. xvii). The motive alleged for refusal to plead in the sheriff's court is noteworthy because it implies that this court was held mainly or exclusively for 'foreigners', whose citizen debtors objected to its jurisdiction. The point is missed by Mr. Thomas, who regards the ordinance as proving an early extension of its piepowder jurisdiction to cases of debt and covenant between citizens. The correct interpretation is, however, more confirmatory of the early date of the ordinance than his own, for citizen defendants could hardly have taken exception to the jurisdiction of the court after its recognition in 1259 for all pleas of debt. What still remains a difficulty is the implied preference of the mayor's court to that of the sheriff by the citizen sued for debt by a 'foreigner'. Are we to infer that after all until about 1230 the sheriff alone held piepowder courts, and that the ordinance in question first gave a limited jurisdiction under the law merchant to the mayor's court? It is useless to speculate without further evidence.

Both in subject-matter and in the procedure followed in the court the nine rolls calendared in this volume, the only original rolls of the mayor's court which have survived complete, are of special importance for students of London history and of borough custom. There is much of great interest to the economic historian. The carpenters, spurriers, smiths, and others are charged with entering into conspiracies of a trade union character, holding parliaments ('whereas according to the custom of the realm no parliament can take place relating to the aforesaid kingdom without the king and his council'), making ordinances for their trades or binding themselves not to observe those made by the mayor and aldermen, and enforcing their oaths in the courts christian. It is to be noted that these charges were not in every case made out to the satisfaction of the court. Some information is given as to the court of the weavers, to which an action for debt was referred in October 1300 (p. 96), and their conflicts with the burellers, who, it appears, were not manufacturers, as Mr. Riley supposed, but middlemen. A large number of disputes were brought into the mayor's court as a result of the royal proclamation of 1299 which enforced acceptance of 'pollards' and 'crockards' at a ratio of 2 to 1 to 'sterling' coin.

An amusing and mysterious case is that of the rector of St. Margaret's, Lothbury, who imported four putrid wolves in a cask. He explained that it was for the cure of a disease called *le lou* (apparently *lupus*), but the physicians and surgeons of the city denied the existence of any such cure.

The full details of procedure in the court provide a valuable supplement to the documents printed by Miss Bateson in her *Borough Customs*, and are carefully analysed from this point of view in the editor's introduction.

The plaint by which actions were begun was a written document in French, which bears the closest resemblance to that 'Bill in Eyre' which has been so much discussed of late and which has not been traced back in royal courts before 1261. As action by plaint was ancient in the husting court from which the mayor's court was derived, it would be interesting to know how far back the written document was used. Is it possible that the use of the bill in eyre was borrowed from the practice of local courts? The petition (*supplicacio*) which is also represented on these rolls, though it is still a rarity, differed only from the plaint in asking for a remedy in a case not provided for in the recognized actions.¹

Much light is thrown upon the circumstances which dictated resort to a jury instead of compurgation. Mr. Thomas points out that, though the use of a jury may have begun where the plaintiff's facts were admitted but a different explanation of them was offered, as Maitland suggested, the mayor's court at this date sometimes allowed a jury where the facts were denied and on the other hand decided an 'exception' by the 'law' of plaintiff or defendant. Maitland seems hardly to allow for such extreme deviations from normal usage. In one instance a defendant who had denied a charge and waged his law successfully was sued on the same charge, somewhat enlarged, two days later, when the case was left to a jury (pp. 28-9). In this matter Mr. Thomas concludes that 'it is not easy to deduce any rule, further than a desire to learn the truth and a general predilection in favour of the jury'.

Another form of procedure on which the rolls give much information is trial by witnesses. In this connexion, it may be noted that in a case of contempt of the king's collectors four eyewitnesses were specially included in the jury (p. 58).

The apparent assumption in a pleading (p. 185) that a villein could only sue by his lord is contrary to contemporary legal theory, unless the fact that the offence affected both lord and villein made a difference.

Abstracts of Latin documents in English have obvious drawbacks; but it is rarely that Mr. Thomas does not quote the original where any point of doubt or interest is involved. One would have liked, however, to know what the Latin for 'rents' in the sense of a building was. Terms which present difficulties are carefully explained in foot-notes, but more of these should have been included in the otherwise excellent index of matters. Place-names are not always indexed under their modern forms, and Wisby is misspelt as Wisbury. In the analysis of Henry I's charter in the introduction there are two slips. It was the justiciar, not the sheriff, who kept the pleas of the Crown, and *terras* is translated 'pledges'.

These are but occasional and unexpected flaws in a very scholarly piece of work. Students of municipal history are already much indebted to the corporation of London for making important sections of its rich

¹ Dr. Ehrlich seems to miss this distinction between bill and petition in *Oxford Studies in Social and Legal History*, vi. 83-6.

archives generally accessible, and it is plain that with their present clerk of the records as editor the debt is likely to be greatly increased.

JAMES TAIT.

The Waning of the Middle Ages. By J. HUIZINGA. (London: Arnold, 1924.)

DR. HUIZINGA explains that his book, to which he gives the sub-title of 'A Study of the Forms of Life, Thought, and Art in France and the Netherlands in the Fourteenth and Fifteenth Centuries', originated in an endeavour to arrive at a genuine understanding of the art of the brothers van Eyck and their contemporaries. For this purpose he sought to discover its connexion with the entire life of their times, and found the common feature of the civilization of the later middle ages rather in what links them to the past than in the germs which they contain of the future. This supplies the key to the attitude in which he has approached his subject and the form which he has given to his book. So he begins with the violent contrasts displayed in the life of the middle ages, with its pessimism and its idealism, and passes on through the aesthetic ideas, which had their origin in an hierarchic conception of society and the inspiration of chivalry, to the idyllic vision of life and the gloom due to the ever-present sense of the perishable nature of all things. It was an age of extremes, alternating between piety and cruelty, respect and insolence, despondency and wantonness, which could not dispense with rigid conventions and spectacular displays of feeling. All this found expression in the religious life of the time, with its striking contrasts of passionate piety and mocking indifference, and the strange contradiction of abuse of priests and veneration of the priestly office. So in the men of the fifteenth century an austere devotion was coupled often with a frivolous temperament and a love of bizarre splendour. Both in life and religion there was an ultra-realism and a craving for symbolism which multiplied detail and lost sight of broad principles. This had its reflection in literature with its primitive presentment of facts in strongly marked lines and its ill-considered generalizations; meaning was lost in form, and it becomes difficult to discern pose from conviction. 'Art and letters in the fifteenth century share the general and essential spirit of the expiring middle ages: that of accentuating every detail, of developing every thought and image to the end, of giving concrete form to every concept of the mind.' In the case of literature this dwelling on detail and the absence of new ideas results in a stagnation of thought. If this was most marked in the poetry of the time it extends also to writers of prose. Even Chastellain with all his keenness of observation does not get below the surface, and his vivid realism is too often drowned in flowery and stilted phraseology. Between Chastellain and Jan van Eyck, Dr. Huizinga finds an undeniable affinity. 'In his best moments Chastellain equals van Eyck at his worst, and that is saying a good deal.' That was because in an epoch of pre-eminently visual expression painting, though it represented only the visible forms, could express the inner sense, which literature absorbed in externals failed to do. But there was the like dwelling on minute detail, which however beautiful in itself was often destructive of unity and harmony.

So with all their technical merit the Flemish painters of the fifteenth century drew their inspiration from the middle ages, and the art of the brothers van Eyck was the close of a period.

Dr. Huizinga's review of his subject is so varied and suggestive that a brief summary can do no more than indicate very imperfectly the argument of the book. But out of the wealth of illustration and multiplicity of detail the underlying principle emerges clearly. We cannot understand the later middle ages unless we appreciate the mental attitude and forms of thought which created the ideals and governed the actions of the men of the time. The soldiers, politicians, writers, and thinkers of the fifteenth century drew their ideals from the past, and even their vanities, follies, and illusions must be taken into account before we can discover the reasons for their actions. If we are to do this we must realize that in the later middle ages we have to do with an epoch of fading and decay rather than with the coming to birth of new things. Thus the book might be described as a protest against the idea that history is more concerned with the problems of origins than those of decline. It is indeed a too common error to endeavour to explain the action of a past age in the terms of the present. To such a judgement the sentimentality and hyperbole which were the common coin of the fifteenth century may present themselves as hypocrisy or be mistaken for a logical statement of fact. The result is a misinterpretation of the motives of the actors and of the truth of the facts. The ideals and principles which inspired the later middle ages are so different from our own that a sympathetic appreciation of what they meant and how they came to exist is the first thing necessary to the student of their history. Here Dr. Huizinga's book supplies an admirable corrective to mistaken opinion. Nevertheless there is another side to the question. The historian has a twofold duty: to understand the past as it presented itself to the men of the time, and to discern the significance which it has for us. The two duties cannot be divorced from one another, and it is in the periods of fall and decay that we can commonly trace with most certainty the origins of later progress. Dr. Huizinga is of course not blind to this, and writes at the end: 'A high and strong culture is declining, but at the same time and in the same sphere new things are being born. The tide is turning, the tone of life is about to change.' It is in this double aspect of decay and new birth that the most abiding interest of the fifteenth century for us consists.

Dr. Huizinga has based his study largely on the literature and art of France and the Netherlands, and above all of the Burgundian court. In the work of the brothers van Eyck and their literary and artistic contemporaries he has admirable material for the development of his theme. It may be doubted whether any study of fifteenth-century England on similar lines could be equally profitable, since England neither in art nor in literature has anything of equivalent value. For Dr. Huizinga the chroniclers, however defective as to material facts, always keep us in mind of the vehement pathos of medieval life, whilst a history based on official documents will never sufficiently realize the extreme excitability of the mediæval soul. In our English chroniclers the vehemence of passion can only be traced in a minor degree, and neither they nor our other writers

of the fifteenth century are to be compared to those of France and the Netherlands. It is not, however, altogether a loss that we are driven back for much of our material to such sources as the letters of private individuals. Here we come in contact with a phase of life different from that which appealed to chroniclers writing of courts and princes. Dr. Huizinga describes the chroniclers of the fifteenth century as the dupes of an absolute misappreciation of their times, of which the real moving forces escaped their attention. Thus it is through glasses tinted with an aristocratic conception that Chastellain views the world about him without grasping the social importance of the common people. Our English chroniclers may have a like lack of appreciation, but it is not unimportant to remember that some of the best of them, such as they were, wrote for a wider circle of popular readers. Sir John Fortescue also was not merely aristocratic in his views of public policy. But in the letters of private individuals we come in contact with the practical life of the people. Here it is brought home to us that after all the people of the fifteenth century were men of like passions with ourselves. If it is important for the historian to live into the ideals and thoughts of the time with which he is dealing, it is equally important for him to realize the existence of the everlasting element of common humanity. Dr. Huizinga in his protest against the methods of the scientific historian, who is in risk of neglecting the difference of tone in the life of the fifteenth century and makes a craze of economic causes, has somewhat obscured the political and social evolution which was the real moving force of the times. By incidental references he shows that he himself understands the truth, but his readers may lose sight of it in the wealth of illustration given to the ideals of medieval life and thought.

It should be mentioned that the English edition is not a simple translation of the original, but the result of an adaptation made under the author's own directions. As the origin of the book was to obtain an understanding of the art of the brothers van Eyck and their contemporaries, the admirable series of illustrations of some of their most famous pictures comes appropriately; they are indeed made an essential supplement to the text.

C. L. KINGSFORD.

The English Conquest of Normandy, 1416-24. A Study in Fifteenth Century Warfare. By RICHARD AGER NEWHALL. (Newhaven: Yale University Press, 1924.)

DR. NEWHALL takes the view that the English conquest and occupation of Normandy marks a step forward in the military art, and that the policy of Henry V was a change from that of his first campaign and from the earlier campaigns of the Hundred Years' war. He thinks that to regard Agincourt as the basis for the success of Henry V is an exaggeration, which from the military point of view has very little foundation, and that, had Agincourt never been fought, the conquest of Normandy could have been achieved by the same strategy as was employed. That Henry's skill in war and his mastery of strategy were most prominent in the campaigns of 1417 and the succeeding years is not a novel opinion, and Dr. Newhall

is well justified in taking the development of Henry's military policy during that period as the subject of his study. But, as he shows, Henry's skill was not least displayed in his capacity for combining war with politics and for taking full advantage of the opportunities which the mistakes and dissensions of his opponents afforded him. Must we not find in this also the explanation of the apparently foolhardy enterprise of the march from Harfleur to Calais? It is difficult to suppose that Henry, who showed himself afterwards a master in the conduct of a cautious and calculated campaign, had not weighed the risks and possibilities of his first enterprise in foreign war. It was not his intention to attack, but if his adversaries attempted to disturb his journey they would do so at their own peril. His confidence in the ability of his little army to defend itself was justified by the result, whilst if the French had avoided battle the political advantage would have rested with him. It is of course true that the primary importance of Agincourt lay in the political results which followed on it, and that in a purely military sense it was not related to the subsequent campaigns. But the prestige which Henry won at Agincourt was military as well as political, and without it we may doubt whether the conquest of Normandy could have been achieved so easily. Thus far it seems a mistake to omit Agincourt in an estimate of Henry's skill as a general in the field. Subject, however, to this proviso Dr. Newhall has done well to concentrate his study on the later campaigns, which furnish the best subject for the study of medieval strategy and organization for war. The naval operations of 1416-17 are perhaps passed over a little too lightly, for they have an interest as showing that Henry had grasped the importance of the command of the sea as a basis for operations on land. When, however, Dr. Newhall comes to his account of the land campaign he brings out very clearly how carefully it was planned and how skilfully it was co-ordinated with diplomatic policy. It is with the strategy rather than with the details that he concerns himself, and this restriction is no doubt in the main a sound one. Nevertheless, since the war was so largely one of sieges, one would have been glad to find more space devoted definitely to Henry's siege operations, and more might perhaps have been said of such an incident as the capture of Pontoise as an illustration of Henry's capacity to strike hard when the occasion offered.

The two chapters which describe the actual conquest are followed by three others dealing with military finance, military organization, and provisions and material. It is in these three chapters that we have the most novel information. The author has made good use not only of accounts in the Public Record Office, but of the material contained in the publications of French antiquarian societies and in departmental and other local archives. As a result he is able to throw much new light on the methods by which military control was maintained, the war in great measure financed out of the resources of the conquered territory, and the political administration of that territory organized. In a final chapter the narrative of how the conquest was defended is carried on to Verneuil. Bedford's victory marked the climax of English success, and though the tide did not turn till some years later it is the appropriate halting-place for the review of military history. It has been the fashion in some quarters of late to deride the military achieve-

ments of Henry V and to minimize the quality of his remarkable personality. But it is difficult to read this analysis of his campaigns and policy in France without realizing that we have to do with one who was not only a master of war and diplomacy, but a ruler of exceptional skill in the handling of the problems of finance and civil administration. Not even the self-sacrificing devotion of John of Bedford could compensate for the loss of Henry's personal prestige and genius. It is not difficult to condemn Henry's French policy in the light of later history, but that has no bearing on the reality of the genius which he displayed in the task which he had undertaken. Nor for that matter are indications wanting that Henry, if he had lived, would have shown himself capable of adapting his desired ends to his possible means. Dr. Newhall concludes his volume with a long and valuable bibliographical note on original sources, both manuscript and printed. In his text there are occasional signs of unfamiliarity with English names; 'Jean Goulaffre' conceals the fact that Sir John Golafre was the most notable name in an ancient English family. Sir Gilbert de Umfraville, who came of the old blood of Normandy, is not readily recognized in the spuriously English form 'Humfreyville'. A smaller error is 'John Hanley' for Hauley or Hawley. It is also a mistake to write, as Dr. Newhall does habitually, of the 'lord' mayor of London. These are, however, small defects in a most valuable contribution to fifteenth-century history.

C. L. KINGSFORD.

A History of English Law. By W. S. HOLDSWORTH, K.C., D.C.L. Vols. iv-vi. (London: Methuen, 1924.)

IN the first three volumes of his monumental work on English legal history¹ Professor Holdsworth deals with the medieval development to 1485. The fourth, fifth, and sixth volumes form the larger part of the author's account of the sixteenth and seventeenth centuries. While these new volumes possess a unity of their own, since they are all concerned with the sources and the general legal development from 1485 to 1700, they will be supplemented in a short time by the seventh volume, in which the author proposes to give us an exposition of the history of the rules and principles of the several branches of the law during this same period. Meanwhile, in the three volumes now under review we possess, for the first time in the history of our legal literature, a full and connected survey of the 'external', as opposed to the 'internal', development of the law during these momentous centuries, of the vast movements and changes in public and private law which we associate with the reigns of the Tudors and Stuarts. When we consider the magnitude of his task, and observe with what skill and learning he has performed it, we may easily find ourselves in a mood of profound thankfulness. Reviewers are all too apt to declare that new works 'fill gaps in our literature'. In the present instance, however, words such as these hardly express the whole truth. Not only do these volumes fill a gap in our literature long regretted by legal and historical scholars, they fill that gap in a manner which will give satisfaction to scholars with critical tastes and standards.

¹ See *ante*, xxxviii. 606.

The present instalment contains a wealth of detail, and also an enlightening survey of the growth of the ideas that underlie historical movements and processes. At no point in his work has the learned author forgotten the maxim of the great master of English legal history that 'the history of law must be the history of ideas'. At no point has he failed to give practical illustration of the truth, taught also by Maitland, that 'English law is English history', a truth too often neglected.

Think for a moment [Maitland once wrote] what lies concealed within the hard rind of legal history. Legal documents are the best, often the only evidence we have for social and economic history, for the history of morality, for the history of practical religion. . . . There are large and fertile tracts of history which the historian has to avoid because they are too legal for him.

Dr. Holdsworth has dealt with some of the most important of these 'large and fertile tracts' of English history. Indeed, one of the several outstanding merits of his work is that it stimulates thought in many directions, that it inspires the reader with the desire to study more closely the relations of the various aspects of English history. By his study of contemporary European legal history, and by his sure grasp of its main tendencies in their relation to English law and institutions, Dr. Holdsworth leads one still further afield. We see more clearly than before that if we would properly understand the growth of 'the Common Law and its Rivals' in the period from 1485 to 1700, the author's main theme in these volumes, we must give due attention to continental legal development and to the foreign legal influence that played upon the laws of England—upon the common law, international, maritime, and commercial law, and the law administered by the star chamber and the chancery. Another signal service which Dr. Holdsworth has rendered to legal and historical science is to be found in his tracing of the growth of the systems that were the rivals of the common law and of the process whereby the rules and principles of certain of these systems—more especially international, maritime, and commercial laws—were gradually incorporated in the common law itself. Equity, however, occupies a special position of its own in the law of the sixteenth and seventeenth centuries. Dr. Holdsworth tells us of the decay of the older equitable system administered by the early common law courts themselves and of the gradual evolution of a later equity, the equity of the chancery, which takes its place in the classical system of English law as a body of rules and principles supplementary to the common law. In the sixteenth and seventeenth centuries some of these principles and rules of the chancery's equity began to assume the form familiar to lawyers of the time of Eldon. There is evidence, however, that the common law courts never entirely abandoned their earlier jurisdiction in equity, that within a limited sphere they continued to administer equity under their writ-system down to the Judicature Acts of 1873-5. This aspect of our legal history hardly comes to our notice in the present volumes (cf. iv. 278-83); and in an earlier instalment of the work (vol. ii, 3rd ed., 1923, p. 346) it is obscured by the statement that 'the equitable principles which we can discern in the common law right down to the beginning of the fourteenth century gradually evaporated'. No doubt the equitable jurisdiction of the common law courts played no great role

in the age when the chancellors were actively developing their own jurisdiction by means of more efficient machinery than that possessed by their common law brethren. But the fact of the persistence of the older equity—proved to us by an examination of the register of writs and of the writings of the jurists, such as Fitzherbert and Coke—is of considerable historical interest. It indicates, in fact, that the common law courts never fully lost the mark of their origin in the *curia regis* of Norman and Angevin times, that unified central organ of the realm which possessed and exercised all the undifferentiated powers of government. Nor need we be surprised at the survival of the equitable powers of the courts of common law; the chancery itself possessed and exercised a common law as well as an equitable jurisdiction. It is true, as Maitland once remarked, that ‘legal texts are haunted by the ghosts of dead doctrines’. But in the light of the later history of certain common law writs, such as the writs of *reparare facias*¹ and the writs *quia timet*,² writs which served in some respects an equitable purpose, it is difficult to hold unreservedly that the equitable principles of the common law ‘gradually evaporated’ in the fourteenth and later centuries. It is hardly possible to imagine that it is merely the ghost of the equity of the early common law which haunts the writs of later medieval and modern times. One suspects, indeed, that within a much narrowed sphere that equity was still alive, nourished by actual litigation in the courts, in the days of Fitzherbert and Coke and even in later centuries.

In the first chapter of volume iv there is a full account of ‘the sixteenth century at home and abroad’; in successive sections the author deals with the new ideas of Renaissance and Reformation (pp. 7–54), the new institutions of government and the rise of the modern state (pp. 54–217), and the new rules of law (pp. 217–293). Dr. Holdsworth rightly lays emphasis upon the growth of public law and the comparison between the English and the continental development of that law during the sixteenth century. Scholars have long felt the need for an adequate constitutional history of the sixteenth century embodying the results of recent researches; and in this chapter they will find that aspect of English history fully and lucidly set forth. From this chapter it is clearly seen that, although Tudor policy accentuated the English medieval trend towards a native development of law and institutions different from those of states across the Channel, there were certain continental influences which helped the Tudor sovereigns to erect the modern state on medieval foundations. To understand rightly the nature and scope of the policy of the Tudors it is necessary to grasp the significance of continental developments; and in presenting us with those features of the sixteenth century Dr. Holdsworth has made an important original contribution to learning. Although it is clear that he has read widely in the French literature of this subject, he has paid hardly sufficient attention to the writings of the German jurists who have specialized in the history of constitutional law and theory. Thus, while he takes account of Gierke’s *Political Theories of the Middle Age* (Maitland’s

¹ *Registrum Brevium*, ed. 1687, ff. 153 b, 154; Fitzherbert, *New Natura Brevium*, 9th ed., p. 127; Coke, *First Institute*, 19th ed., p. 200 b.

² Coke, p. 100 a.

edition), he omits reference to his *Johannes Althusius*. Dr. Holdsworth's account of the development of Roman law on the Continent and of the place occupied by Roman and canon law in England is also a valuable contribution to our knowledge of the period. Many will read with interest the arguments in support of the author's view, which is somewhat at variance with Maitland's (in *English Law and the Renaissance*), that the existence of the common law was not in danger in the age of the Renaissance (see the long discussion of the question on pp. 252-85).

In the second chapter (pp. 294-540) of volume iv there is a survey of English law during the sixteenth and early seventeenth centuries in which the enacted law is given a place of prominence. The main topics here are commerce and industry; agriculture, the food supply, and prices; employer and workmen; unemployment and pauperism; uses and trusts; the land law; ecclesiastical law; criminal law and procedure; and civil procedure. Not the least of the enlightening features of this sketch is the fresh and original account of the political causes which shaped the famous Statute of Uses (27 Henry VIII, c. 10) and of its effects.¹ Attention may be drawn here to only one of several interesting points. In his *Short History of English Law*² Dr. Jenks expresses the view that the 'secret and unavowed purpose [of the Statute of Uses] was to secure the estates of the monasteries for the Crown'.

I cannot [writes Dr. Holdsworth, p. 461, n. 2] agree to this theory. In the first place the evidence which I have adduced seems to show that the two objects of the Statute were (a) the improvement in the king's feudal revenue, and (b) a much needed improvement in the land law; in the second place, the Statute was not needed for the purpose for which Dr. Jenks supposes that it was passed; in Acts of attainder it was common to include the lands of which the attainted person had the use and to exclude those of which he was merely feoffee to uses [see iv. 423, n. 3; and for another illustration see 21 Henry VIII, c. 25]; what the legislature habitually did in Acts of attainder it could equally well have done in the Act dissolving the smaller monasteries.

The importance of the Statute of Uses and other parts of the enacted law of the sixteenth century, which Dr. Holdsworth has outlined in his second chapter, can hardly be overstated; for the enacted law marked out the main lines of the growth of the common law in the succeeding centuries.

While it is difficult to single out particular passages in a book so rich in matter as volume iv, it may be conjectured that many readers will find of special interest those parts of the book which deal with the privileges of parliament in the Tudor period (pp. 166-90), the Reception (pp. 217-93), monopolies (pp. 343-54), and uses and trusts (pp. 407-80). It is only fair to add, however, that this list of topics might easily be extended.

Take one topic by way of illustration. As far back as 1885 Dicey, in the first edition of his *Law of the Constitution*, drew attention to the fact that 'the views of the prerogative maintained by the Crown lawyers under the Tudors and Stuarts bear a marked resemblance to the legal and administrative ideas which at the present day under the Third Republic still support the *droit administratif* of France'. Some of the most interesting pages in Dr. Holdsworth's volume iv are those in which he considers

¹ For the author's earlier treatment of this subject see *Harvard Law Review*, xxvi. 108.

² 2nd ed., 1920, p. 100.

the growth of the Tudor idea, realized in practice by the activities of the council, that 'the crown and its servants were outside the ordinary law, that the servants of the crown were governed by special courts and a special law, and that in their dealings with the subject they need not necessarily be bound by the common law' (pp. 60, 85-7, 188, 274, 275). In volume vi he also points out that in the Stuart period there was a 'rapid development of the system of administrative law which had been coming into existence under the Tudors' (pp. 26-7). The growth of a body of administrative law, separate and distinct from the common law, gives to the Tudor and Stuart era one of its most striking characteristics. But is it true, as Dr. Holdsworth hints (iv. 85), that the English middle ages possessed no system of law comparable to the administrative law of the Tudors and Stuarts? Mr. J. Conway Davies has given evidence to support the view that in the time of Edward II there were a number of rules and privileges which affected the officials of the king, the rules and principles of a special law which may 'stand comparison with what is known as "administrative law"', which in fact 'may be regarded as approaching "administrative law"'.¹ Suggestions of this nature are to be found also in Madox's *History and Antiquities of the Exchequer*: and Dr. Holdsworth himself has recently remarked that the 'cursus scaccarii is probably the nearest approach to a body of administrative law that the English legal system has ever known'.² There is opportunity here for historical research; but only after Professor Tout has given us the remaining volumes of his *Mediaeval Administrative History* will the researcher be able to study to the fullest advantage this interesting problem as to the origin, growth, and scope of English administrative law before the time of Henry VII.

The three chapters of Dr. Holdsworth's volume v are all concerned with English law in the sixteenth and early seventeenth centuries: they continue the story begun in the second chapter of volume iv. The first two of these chapters deal with developments outside the sphere of the common law (pp. 3-338), while the third traces the development of the common law itself (pp. 339-493). We are thus furnished with successive accounts of the civilians and their activities, international law, commercial, and maritime law, the law administered by the council and the star chamber, the equitable jurisdiction of the chancery, the development of the common law, and Edward Coke and the relation of the common law to its rivals. One of the most striking features of the development outside the sphere of the common law is the influence of foreign law, including the Italian law merchant, upon the English law; and nowhere in our legal literature is this aspect of our history more clearly and adequately described than in Dr. Holdsworth's pages. The chapter dealing with the common law is also one of unusual interest. We may read in its several sections of the influences which made for the growth of the common law, of the serjeants and the judges, of the reporters, of the literature of the law, and of the condition of the law; and, lastly, we may read much of Edward Coke's career, literary work, and influence on the development of English law. The space devoted to Coke (pp. 423-93) is not to be regarded as

¹ *Baronial Opposition to Edward II*, 1918, pp. 204-5.

² Vol. i, 1922, p. 239; see also pp. 246-64.

disproportionate, when we consider the large place he fills in the history of our constitution and law. Dr. Holdsworth's estimate of Bacon as a man and a jurist (pp. 238-54, 434) is hardly less interesting than his appreciation of Coke.

No two men [he remarks (p. 239)] could be more dissimilar in their mental outlook and their subsequent influence upon English law. Both, indeed, were eminent practitioners; but while Bacon is a great juridical thinker, Coke is a great common lawyer. Both left their marks on English law; but while Bacon's influence was literary and scientific, Coke's was practical, and, owing to political causes, far greater.

Indeed, the author makes it clear in this volume devoted to the professional development of the law that the achievements and the influence of Coke permit us to regard him as in some measure the central figure in English legal history. Those parts of volume v which deal with Bacon (pp. 238-54) and Coke (pp. 423-93) are worthy of special notice; so are the portions of the book concerned with the law merchant in England (pp. 102-54), the influence of the procedure of the star chamber upon English law (pp. 168-97), and the four stages in the history of equity (pp. 215-18).

The first chapter of volume vi deals with the public law of the seventeenth century (pp. 3-301). This is essentially a continuation of the constitutional story of the sixteenth century contained in volume iv; and the constitutionalist may find it convenient to read those two parts of the present work together. While the constitutional struggles of the seventeenth century are set forth in many historical books, they are here treated by Dr. Holdsworth for the first time from a purely legal point of view. In dealing with the reigns of the first Stuart kings, Dr. Holdsworth sets forth the political controversies and their religious aspect at considerable length; while, after sketching briefly the constitutional experiments of the period of the civil war and the Commonwealth, he then proceeds to a full account of the reigns of the two last Stuart kings and the Revolution settlement. The ecclesiastical influences and the influence of foreign policy play perhaps too slight a role in Dr. Holdsworth's pages; but the other subjects of interest in the study of the latter part of the century—the political, constitutional, and religious environment, the principles of public law, and the influence of political theories on legal development—all receive adequate treatment. What, then, in Dr. Holdsworth's view, was the effect of this period on English public law?

The result of the development of English public law during this century [he concludes (p. 300)] had been to create a state which differed from that of every other state in Europe. The English people had refused to identify king and state; they had so developed their medieval Parliament that it had become the predominant power in the state; and they had maintained the supremacy of the law over officials as well as subjects, and even over the prerogative of the king. Foreign nations did not understand such a constitution.

The long and brilliant account of public law in the first part of volume vi is followed by two chapters upon the enacted law and the professional development of the law in the latter half of the seventeenth century, chapters which form a continuation of the story related in volume v. The chief topics in this part of volume vi are the proclamations, commerce and industry, the press and copyright, the Statute of Frauds, the legal profession, the leading lawyers, the collapse of the old system of legal

education, the literature of the law, and the condition of common law and equity. Among the sketches of the lawyers of the period special attention may be drawn to those which deal with the character, career, and writings of Nottingham (pp. 539-48), Hale (pp. 574-95), and Roger North (pp. 619-24). The professional development of the law, which is so ably sketched in this last chapter of the volume, is of more than historical interest to the lawyer, for during the latter half of the seventeenth century the emergence of modern conditions stamped upon our law and legal institutions many of the characteristics with which we of to-day are familiar. As Dr. Holdsworth remarks, in 1700

the old rivalry between law and equity was dead. Each was ready to recognize the sphere of the other; and thus a parallel and a harmonious development of both was ensured, which rendered possible that settlement of their spheres and principles which was the work of the eighteenth century (p. 671).

The mastery of his materials which Dr. Holdsworth displays in his first six volumes is proof positive that he is equally at home in mediæval and modern periods. One of his gifts is vision. Throughout the three new volumes which now lie open before us there is clear recognition of the close historical relationship between continental and English legal growth and between the history of law and the history of economic, religious, and political development. It is this breadth of historical vision, coupled with painstaking care in the explanation of details, which gives a character of distinction to the work and which marks the author as an historian of the first order. Nor is there failure to see and explain the amazing continuity in the history of our law and legal institutions. At all points there is perception of the underlying conservatism of the English nation in the matter of law no less than in the realm of social, religious, and political progress. Even under changed conditions, and under the cloak of new machinery and new ideas, much of the traditional stock of legal lore and legal process continues to persist from one age into another.

H. D. HAZELTINE.

Calendar of Patent Rolls, Edward VI. Vols. i and ii, 1547-8, 1548-9. (London: Stationery Office, 1924.)

THE last volume of the *Calendar of Patent Rolls* brought the series down to 1509, and it has now been resumed at 1547, the intervening period having been covered by the monthly digests in the *Letters and Papers* of Henry VIII's reign. A single volume of index will be prepared for the whole of Edward VI's reign.

In the two volumes now before us the outstanding interest is the dispersal of the chantry lands granted to the king by parliament at the close of 1547. A survey of the property was made by groups of commissioners who were appointed for the various counties on 14 February 1548, and on 27 April Sir Walter Mildmay and Robert Keylwaye were authorized to sell the lands, the government, with heavy military expenses behind and before it, being anxious to obtain ready money (ii. 57, 135-7). A further commission in June, on the working of which these volumes supply no evidence, arranged for pensioning the dispossessed chantry priests, &c.,

and aspired to a programme of charitable works to be financed out of the forfeited lands (i. 417). Mildmay's commission stipulates that the lands sold were to be held in chief by knight's service except where an estate did not exceed £4 in clear yearly value; but as a matter of fact very few of the parcels of land did exceed that sum. Generally the price paid was computed on the basis of twenty years' purchase, and the old assumption that the estates passed into the rapacious hands of landowners without profit to the Crown is wrong, at least for the period covered so far by the calendar. Even Warwick paid at the usual rate for what he received (ii. 29); and the receipts of the court of augmentations show that £112,969 were received from the sale of lands in 1548, and £92,695 in 1549.¹ Councilors did endow themselves with titles and lands,² but they were not chantry lands. Much of the purchasing, no doubt, was speculative, for the grants often include very widely scattered property; and it requires no vivid imagination to conceive from the hundreds of tenants' names which occur in the grants how widespread must have been the impression created by the transference of such numerous small estates. Needless to say, these names, and the other particulars about the estates which the calendar contains, make it a very rich quarry for genealogists, topographers, and antiquarians.

Attention may be called to the following miscellaneous entries: a commission, dated 14 February 1547, for compounding with holders of land or rents of £40 value who wished to avoid taking up knighthood (i. 185-6); a commission of array to Lord Russell dated 25 June 1549 upon which Miss Scott Thomson laid stress in her recent book on the *Lords Lieutenants*,³ but which she was unable to find (ii. 251); grants of annuities to Norman Leslie and others of the party responsible for Cardinal Beaton's murder (i. 193); and an interesting licence to an Antwerp merchant to set up what we may describe as private *monts de piété* in imitation of those he had established in the Netherlands, the object being to check the uncharitable and conscienceless shifts of usurers (ii. 9).⁴ Finally there are two dispensations, the one to Sir John Mason 'that he, a layman and married and not in holy orders, may accept and hold the deanery of Winchester cathedral' (ii. 246); the other (i. 215), a similar but more general dispensation, to Sir Thomas Smith, where the reason given is, 'Eo quod presbiter vel aliis sacris ordinibus initiatus non sit vel gradum doctoratus theologie vel alium gradum scholasticum per statuta . . . non . . . [etc.] . . . vel etiamsi uxorem vel uxores posthac rite et legitime duxerit'. The entry about Mason seems specific enough to dispose of a recent criticism of Sir Charles Mallet for describing him as a layman;⁵ but in the case of Smith we have his own definite statement, 'A° 33 . . . sacerdotio sum donatus',⁶ in notes on his life prefixed to an astrological manuscript

¹ Dietz, *English Government Finance, 1485-1558*, p. 217.

² Cf. vol. i, pp. 22, 23, 25, 42, 45, 109-11, 113, 115, 124, 168, 184, 193, 238, 240, 243, 252.

³ p. 26.

⁴ Cf. Thomas Wilson, *A Discourse upon Usury*, ed. R. H. Tawney, Introd., p. 125.

⁵ *The Times Literary Supplement*, 30 October 1924, p. 877.

⁶ Brit. Mus. Sloane MS. 325, fo. 3; cf. *Archæologia*, xxxviii. 105.

of his, and the clause in the letters patent should probably be regarded as hypothetical, not every statement in it being necessarily a statement of fact.

J. E. NEALE.

Correspondance de la Cour d'Espagne sur les Affaires des Pays-Bas au XVII^e Siècle. Tome i. *Précis de la Correspondance de Philippe IV, 1598-1621.* Par HENRI LONCHAY et JOSEPH CUVELIER. (Académie Royale de Belgique, Commission Royale d'Histoire. Bruxelles: Kiessling, 1923.)

Les Préliminaires du Traité de Londres, 29 Août 1604. Par JOSEPH CUVELIER. (Extrait de la *Revue Belge de Philologie et d'Histoire.* Bruxelles: Lamertin, 1923.)

It is more than eighty years since Gachard first worked at the documents at Simancas which bear on the history of the Spanish Netherlands in the seventeenth century, and during that long time the papers have been picked over by many historians. None the less, the full calendar which the Belgian Academy has undertaken will be most welcome to all students of that time. It puts the explored in its relation to the unexplored, points out where much new material is to be found, and completes the first stage in the process of making it available. The general plan is, roughly, that of the English calendars of state papers. M. Cuvelier seems to us to hope too much when he says that 'le grand avantage des publications de l'espèce est de rendre inutile le recours aux documents mêmes' (p. xv, n.); and he is conscious that a number of the entries in this first volume give very little information about the contents of the documents, so that it falls short in this respect of what might reasonably have been achieved. It would be ungracious to lay stress on this defect, or on some other slight faults of editing, such as one or two slips between the old and new styles in dates; because these errors arise partly from the fact that M. Cuvelier's task was to edit an incomplete work which the learned and experienced M. Lonchay did not live to finish. In the further volumes M. Cuvelier will be more his own master, and he will no doubt avoid such entries as no. 1550, where we get the following account of the contents of a document of 1621: 'Nomination au commandement en chef de deux des trois compagnies écossaises de l'armée de Flandre', without the name of the person appointed. The use of such expressions as 'nos ancêtres' (no. 152) is not appropriate to the calendar form, nor the frequent use of 'Belgique' when neither it nor its Spanish equivalent can very well be in the originals. One of the strongest points of the editing is the provision of numerous and valuable foot-notes explaining the text and giving references to the literature of the subjects. An addition which, though it would cost much trouble, would add materially to the ease of using the volume would be a system of cross-references or at least a classified table of the documents calendared. At present the entries are in a single chronological series, though they are extremely miscellaneous and come from several distinct series of documents; there is no key to finding any one entry or matter except a good index of persons and places.

Among the many subjects on which new light is thrown we must confine

ourselves to mentioning one or two. Easily the most important for English readers is that which M. Cuvelier has treated in the two articles of which we have set the title at the head of the present review. Here he collects the entries relating to the peace negotiations with James I and, bringing them into relation with the other authorities, not only gives the fullest existing narrative of the negotiations but also draws an important conclusion on an obscure question. This is that the dispatches of Aremberg, the representative of the 'archdukes', prove that he did not act in any way culpably in his dealings with Cobham and Raleigh. M. Cuvelier has no difficulty in showing that any such intrigue as was imputed to him was quite contrary to Aremberg's general conduct and intentions, that he was hardly in a position to make the offers ascribed to him, and that in his correspondence he consistently, to use his own words, 'espère que l'Archiduc verra où sont ses vrais amis qu'il ne devra pas abandonner pour suivre ceux qui lui conseillent de favoriser les fauteurs de troubles'.¹ On the whole subject his correspondence is, however, if we may judge from the calendar, surprisingly meagre. It is clear from Cecil's remarks at the trial² that a communication was made to Aremberg about the examination of Renzi (or Laurency), who was alleged to have been his intermediary in the plot; but Aremberg does not trouble to mention this to his principals.

In comparison with this the other references to English affairs are less important. There is a good deal about commercial matters, and an almost continuous view of Spanish commercial policy in relation to the Dutch and English may be acquired. In particular the plan of the Biscayan Gauna receives a good deal of illustration. Gauna was the most important of the various projectors who tried to solve the connected problems of raising a revenue, saving the trade of the Indies from the Dutch, and reviving the sunken economic life of the southern Netherlands. His policy was a combination of protectionism with the termination of the old unworkable prohibitions against Dutch commerce, and it was put into practice from the spring of 1603 till the autumn of the following year. It failed because it tried to do too much, because it provoked retaliation from France, and because success would have required far more control over the course of trade than the governments of Brussels or Madrid could exercise. Gauna, of course, laid the blame on hostile interests. This was the one serious attempt to get away from the ruinous system of hostility to the trade of the Dutch. Other projects, some of which concerned the English more closely, never got a serious trial. One obstacle to them was the continued prevalence of heresy in the Spanish Netherlands, on which there is a good deal of evidence in this volume. The military historian will find a few gleanings. On the general constitutional development, the interpretation of Philip II's 'cession' of the Netherlands, and related questions, there is not much that is not already well known in such works as Rodriguez Villa's *Ambrosio Spinola*; nor is much added to the history of the Twelve Years' Truce and other diplomatic events.

¹ Cuvelier, p. 497; see also Lonchay and Cuvelier, no. 352.

² *State Trials*, ii. 13. M. Cuvelier does not seem to have used the reports of the trial.

On personal and local matters there is, as might have been expected, a rich crop of new details, and the volume should by no means be overlooked by biographers, for instance of Creswell, Semple, and Sir Francis Vere.

G. N. CLARK.

Calendar of Treasury Books, 1685-1689. Vol. viii, four parts. Edited by WILLIAM A. SHAW, D.Litt. (London: Stationery Office, 1923.)

DR. SHAW is to be congratulated on the completion of another section of his *magnum opus*, which maintains its importance as it advances. It is unfortunate, although inevitable, that its value will only be justly appraised by those willing to toil patiently through more than two thousand pages of small print, and this in spite of an elaborate index. Whoever perseveres to the end will glean a rich harvest of new facts about an almost infinite variety of topics. These are too numerous for even a list of the principal, but a few specimens may be noted. Any one studying our foreign relations during this reign could easily compile an apparently complete list of our diplomatic representatives abroad, their salaries and allowances. Among their expenses postage figures prominently, and the details supply some particulars of postal routes in Europe, as well as of centres whence intelligence was derived. As the sums due to ambassadors were reckoned in the coinage of the countries to which they were accredited, and then converted into English money, rates of exchange can easily be discovered.

Probably the most important document calendared is the book containing a list of the sentences imposed during the 'Bloody Assizes', and compiled for commissioners for finding and seizing forfeited estates. Macaulay made this list the basis of his calculation of the number of Monmouth's followers actually executed, 320. On the other hand, F. A. Inderwick, in his *Side-Lights on the Stuarts*, extracted all the entries in the jail-book for the western circuit, and found the number starred as executed to be 65, to which must be added those hanged after its compilation, in all not more than 150. His theory is that James intervened and ordered Jeffreys to slacken proceedings. This is possible since at Dorchester, where the trials commenced on 3 September, 74 are enumerated in the treasury-book as 'executed', and the jail-book thus starred 58. At Taunton, however, where the assizes began on 17 September, about 140 are described as 'to be executed' in the former book, and only 5 are marked in the latter as having suffered the extreme penalty at the time when it was made up. But some of the prisoners not starred as executed in the jail-book are known to have been executed (as Benjamin Hewling), so that the value of any statistics based on it is dubious, and it is possible that the figures of Macaulay are not so excessive as has been supposed. On the other hand, there is no doubt whatever that he was guilty of rhetorical exaggeration when he states that in Somersetshire 'two hundred and thirty-three prisoners were in a few days hanged, drawn, and quartered'. Both the jail-book and the treasury-book made it clear that except at Dorchester there was no unseemly haste to execute those sentenced to death: in fact there was an unusual delay in carrying out the

sentences, though this may have been due to no higher motive than a desire to extract ransoms from the well-to-do. The precipitancy at Dorchester was probably the result of a determination to strike terror at the start.

It is a pity that Dr. Shaw still persists in his introductions in reiterating his peculiar, not to say perverse, views on the merits of Charles II as a patriotic ruler, instead of confining himself to the task he is so well qualified to perform, that of outlining the financial history of the years covered by his *Calendars*. It is strange to read that the appeals of Charles II to parliament for money were 'pressing, manly, frank, and completely justified', when it was known that the king, no novice in the art of dissembling, fumbled when giving utterance to what Dr. Osmund Airy rightly calls 'an open and deliberate lie'.¹ The reasons Dr. Shaw assigns for the generosity of parliament to James II as compared with its lack of generosity to his brother seem largely imaginative. He emphasizes the large addition James made to the standing army, which entailed an annual expenditure of about £530,000 as against £200,000 in the previous reign, but unluckily continues that 'the increased army James had raised was not disbanded in 1689'. Surely Dr. Shaw has not forgotten that before his flight James ordered the disbandment of his army, and thereby gave his successful rival the trouble of raising a new force for the reconquest of Ireland. It is surprising, too, that in the description of the parliamentary grants to James in 1685, no use has been made of the *Memoirs of Thomas, Earl of Ailesbury*. This nobleman, then a commoner, was commissioned by the king to convene a meeting of members of parliament and to explain the royal wishes with regard to the settlement of the revenue. His account of the meeting, and of James's own remarks on the principles of taxation, merits attention. Apart from these unhappy features of the introduction, the manner in which Dr. Shaw has performed his editorial duties in other respects deserves the highest praise. In particular gratitude may be expressed for the very detailed tables of revenue and expenditure which are printed from the Lowndes Manuscripts in the Bodleian Library.

GODFREY DAVIES.

The Later Non-Jurors. By HENRY BROXAP. (Cambridge: University Press, 1924.)

MR. BROXAP must be congratulated upon a work which has displaced all its predecessors, and the Rev. S. L. Ollard must be thanked for making it possible. It was he who secured the Brett papers for the Bodleian Library in 1916, and who brought to light the evidence in the archives of the Scottish episcopalian church for non-juring history. It was known that in 1779, on the death of their last bishop, the survivors of that branch of the non-jurors who claimed to be the followers of Sancroft and adhered to the Jacobite cause passed under the rule of their Scottish allies, to merge themselves in the church of England in 1788, when the episcopalians of Scotland abandoned Jacobitism; but it had occurred to no one to search at Edinburgh, where the records of the English non-jurors have lain hidden

¹ *Essex Papers*, i. 161.

since they were taken into the charge of the Scottish bishops. The evidence for the successive consecrations of the non-juring bishops, and for a multitude of facts concerning their church, has been discovered at Edinburgh ; and the Brett papers have not only thrown light on inner relations, largely controversial, of the little society, but have corrected a number of traditional errors. For instance, it was believed, even by Overton, that the two bishops named Thomas Brett were father and son. It now appears that they were not related, and that the supposed son was the elder of the two.

The controversies were not directly of historical interest ; their history has now been made clear. Perhaps the devotion of the leaders to their respective ecclesiastical positions may have distracted them from any effort to propagate their cause. But there is no evidence of leadership or gift of organization or desire to gain proselytes. It was a wholly defensive position, and therefore the movement died out. It is evident that it could have been perpetuated had the leaders been sufficiently interested ; it was not fear of the government that deterred them from continuing their succession. In fact, the revolting party which came to call itself the ' True British Catholic Church ', and to disclaim any inheritance from the pre-revolution church of England, did maintain its existence a little longer than the original body. In regard to them also Mr. Broxap has added to knowledge, and has made Thomas Deacon, the Manchester physician who was their most notable bishop, a more distinct figure than hitherto. Dealing with grave men, whose lives were devoted to debate on serious topics, it would not have been easy for him to enliven his narrative. Yet he cites from the Brett papers letters of Mrs. Blackmore, a lady of spirit and humour and strong partisanship. Had he quoted her more freely his book would be brighter. But his story is clear and convincing, and it does not seem likely that we can hope, except in antiquarian detail, for additions to his careful and sympathetic narrative.

E. W. WATSON.

Histoire Politique des Protestants Français (1715-94). Par l'Abbé JOSEPH DEDIEU. 2 vols. (Paris : Lecoffre, 1925.)

THIS work forms a part of the ' Bibliothèque d'Enseignement de l'Histoire Ecclésiastique ', which was started in 1897 to continue by private enterprise the project entrusted by Leo XIII to the cardinals Luca, Pitra, and Hergenroether of writing a universal ecclesiastical history in the light of modern criticism. The high standard of historical erudition set for the series has been maintained in these volumes. They are written after an exhaustive study of published and unpublished material, with a sympathetic understanding both of the civic and religious disabilities of the members of the reformed religion and of the difficulties of successive intendants, governors, and secretaries of state in reconciling the harshness of the canon and civil law with the growth of a more tolerant public opinion. Not only were the pastors liable to the sentence of death, but of those who attended their services *en désert* the men ran the risk of being sent to the galleys and the women to perpetual imprisonment in the infamous Tour de Constance. Further, marriages by protestant pastors

were invalid, and the offspring of such unions illegitimate and incapable of inheriting. The seventy years between the death of Louis XIV and the beginnings of the Revolution show the swing of the pendulum between the extremes of severity and leniency in the administration of the law, which was due more to the convictions of individuals and the pressure of foreign policy than to a consistent movement towards toleration. But amongst the more enlightened, even of the catholic clergy, the position of protestant marriages was felt to be a scandal, and almost on the eve of the Revolution the parliament of Paris registered Malesherbes's edict, which permitted civil marriage and private worship and opened most public careers to non-catholics.

When with the outbreak of the Revolution protestants could exercise equal rights as citizens, electors, and representatives with their catholic brothers, they did not show the toleration which they had long claimed and at last won. Their most distinguished representative, Rabaut-Saint-Étienne, set himself to destroy the power of the priests and the Roman catholic church. But the blow aimed at catholicism struck protestantism. The religion which had survived and even flourished under severe persecution soon succumbed, after a few years' toleration, to the goddess of reason, again illustrating the saying that the blood of the martyrs is the seed of the church. The abbé Dedieu is aware of the influence of the philosophers on the reformed religion and on the spirit of toleration, but he does not attempt to discuss how far this spirit was influenced by the religious dissensions of the catholics themselves. His aim was to write a political history of the French protestants, and in this he has admirably succeeded.

M. A. PICKFORD.

History of Australian Land Settlement. By S. R. ROBERTS. (Melbourne: University Press, 1924.)

MR. ROBERTS's book will be invaluable to all students of Australian history. It is the fruit of very extensive and careful research; the author has not only consulted the printed and manuscript sources in the public libraries of Australia, but has unearthed material hitherto unknown and scattered in various parts of the country. The references to documents, as is fitting in a book which will serve as the introduction to a subject hitherto very inadequately treated, are full and precise, and the bibliography of twenty pages will be of the greatest value to future students.

The subject is worth the great care which Mr. Roberts has given to it. From the very first days of the colony, land settlement has been at the core of Australian history; it has determined every development distinctively Australian, in contrast with those common elements of constitutional history which Australia has shared with New Zealand, Canada, or South Africa. The conflict of the man with the land has been at the bottom of all the romance of Australian history, and all the achievement. That conflict has, from the beginning, been waged by individuals. And the central problem in Australian land settlement, the problem which is kept well to the fore throughout the book, has been that of gaining the immediate advantages of individual energy without giving it such undue latitude as

would have sacrificed the rights and opportunities of future generations. In the first period of Australian land settlement (1788 to 1831) the problem was imperfectly grasped. From the 'state socialism' of early days the colony advanced under Governor Macquarie to *laissez-faire*. Settlers, having been granted land and convict assistance, had now to rely upon themselves for the production and marketing of their produce. Macquarie attempted in 1817 to establish a correspondence between the amount of capital which the grantee brought to the land and the amount of land which he received, but the grants remained capricious and disorderly. Even before 1820, therefore, the sale of land was advocated by Wentworth, Macquarie, and Bigge; and from 1824 the principle of sale was tentatively admitted as supplementary to that of the grant. But the new principle was for some time of little importance, and despite the good work done by the Australian Agricultural Company, the Van Diemen's Land Company, and similar associations on a smaller scale, the system of land grants produced such glaring abuses and failures (the most notable being that of the Swan River Colony) that Wakefield's propaganda found a ready hearing, and the first step towards the adoption of his theory was made in 1831, when Lord Goderich fixed the price of land at 5s. the acre. The results of the Wakefield influence have already been well analysed by Mr. R. C. Mills in his *Systematic Colonisation of Australia*. Perhaps the most enduring of those results are the South Australian venture, and the swamping of the convict element in the great stream of immigration which flowed throughout the thirties. The complete embodiment of Wakefield's principles in the ordinance of 1840, when a uniform price of £1 per acre was fixed for land, and auction entirely abolished, had, however, a different effect. With the exception of town lots chosen under the special survey regulations, there was a serious falling-off of land sales. From 1839 to 1851 only £370,000 of land was sold, and in the forties the stream of immigration began to dry up.

The third period of Australian land history is the period of triumphant squatting. The name 'squatter', which appeared in Tasmania in the twenties and in New South Wales in the thirties, belongs in Australia particularly to graziers who occupied lands on a large scale. The rise of the squatters may be traced to the first successful efforts of Macarthur in sheep-breeding; graziers within the recognized bounds of occupation paid for a yearly licence to their lands, but others went further afield and occupied pastures in a manner which the official voice denounced as 'a systematic violation of the law'. The squatters followed in the tracks of the explorers, most of whom went afield, 'not to provide subjects for coloured pictures of hairy men scrambling over impossible purple boulders', but to find new land for their sheep. An act of 1836 took the first step in legalizing the position of the squatters, in asserting the claim of the state towards them, and in placing them under supervision. In 1839 a further step was taken in the same direction; but the position of the squatters remained uncertain, and they agitated for three things—security of tenure, compensation for improvements, and pre-emptive right. Two measures of Gipps in 1844, while going a good way to meet their demands, safeguarded, at the same time, the rights of the community in the future,

but regulations following the Imperial Waste Lands Act of 1846 made a complete surrender to the squatters, so that they were in the position of monopolists holding up the occupation of the land, and became the object of democratic attack. Every attempt to assert the principle that their rights were conditional on their not standing in the way of development was foiled till Newcastle's instructions of 1853, which limited their pre-emptive right to their homesteads and improvements, guaranteeing them in return security in their leases and compensation for improvements.

A limitation of the rights of the squatters was necessary, for the fourth period of Australian land history had begun. The emergence of agriculture as the central problem of the land was hastened by the surprising growth of population following the discovery of gold; and the granting of responsible government to all colonies save Western Australia meant that the problem would be attacked, in different ways, by the colonists themselves. All the states adopted the method of 'selection', but there were wide modifications of the system from state to state. In New South Wales the Robertson Acts of 1861 laid down the principle of free selection. A settler who paid one-fourth of the price, and resided on his land, could select for himself an area of between 40 and 320 acres; in three years he was to pay the balance of the price and would then receive the freehold. The occupier of the land had pre-emptive right over one twenty-fifth of his run, and the right of pre-lease (on short terms) of three times this amount. The Robertson party produced figures to show the impressive results of the system, but these results existed chiefly on paper. Individuals used 'dummies' to secure for themselves many selections; and by selecting land in strategic positions, as for instance round water-holes, they could lock up vast stretches of country. The system produced aggregation rather than the splitting up of estates, and while alienation proceeded apace, cultivation lagged. Selection gave good results only when rigidly controlled, as was done in Victoria by the Grant Act of 1869.

But an increasing population demanded more and more that the land should be thrown open, and in the next period many of the bad results of inadequately controlled selection had to be reversed. The different states progressively tightened restraints, and policies of resumption and supervision developed. The dominant note since 1884 has been closer settlement, and Mr. Roberts traces the various aspects of this policy till 1920. Throughout his book he does justice to conditions of climate, and the general progress made in the methods of agriculture and stock-rearing; he deals also with the development of railways, irrigation, &c. An invaluable addition to the book is the series of more than ninety excellent maps and charts, prepared by the author's brother. W. K. HANCOCK.

Essai sur l'Histoire du Parti Feuillant: Adrien Duport. Par GEORGES MICHON. (Paris: Payot, 1924.)

THIS book is of a type with which students of the French Revolution have been familiar for more than a generation. It is a careful piece of work, methodical, full of quotations both long and short, a veritable mine of information, but withal singularly arid and inartistic, and for all its cold,

unimpassioned style full of question-begging epithets which betray a strong bias in favour of the Jacobins and the parties of disorder. Moreover, in his composition of the book the author seems to have halted between two opinions. The double title propounds a doubt. What is the chief subject of the book? Is it Adrien Duport, as is suggested by the large capitals in which his name appears on the title-page and the fact that the book opens at his birth and closes at his death? Or is it the history of the *feuillant* party, a fine subject, ripe for thorough treatment, towards which Miss Bradby's *Life of Barnave* was the first contribution in recent years? If M. Michon intended to pursue the former plan it may be doubted whether Duport, who is not one of the greater lights in the revolutionary firmament, required that four hundred closely printed pages should be devoted to him, whereas if M. Michon intended the latter, it would seem that a good opportunity has been lost. Undoubtedly the most valuable part of the book is the analysis of the *feuillant* party and its influence, and although M. Michon's conclusions may not prove acceptable to all, the work he has here presented to the public does undoubtedly add considerably to our knowledge of the legislative assembly. Especially is this the case in the use made by M. Michon of the *Indicateur*, but when M. Michon tries to establish the supremacy of the triumvirate in the counsels of the court during the year preceding the catastrophe of 10 August he seems to be carried away by enthusiasm. Nobody would dream of denying their importance, but after all, they were not the only moderate party (reactionary, if you will) in Paris at the time, and the use by Louis XVI of language common to Mallet du Pan, the triumvirate, and other anti-Jacobins is not of itself evidence that the triumvirate controlled the court. Indeed in this, as in other matters, it would have been better for France had Louis XVI been controlled by some one and kept in a consistent path. Nor again can one follow M. Michon in accepting without reserve the fashionable view that the 'massacre' of the Champ de Mars was the result of a *bourgeois* plot, unless a decision to terminate disorder can be so described. That Bailly and Lafayette were determined to meet force by force is as clear as daylight, as is also their scrupulous adhesion to the letter of the law, while it is equally clear that it was only the lack of discipline in the national guard, which, when violently assaulted with missiles, could not forbear retaliating without authority, that gave the handle to all subsequent attacks on both Lafayette and Bailly. The whole thing was so accidental that it is a misuse of words to talk of a deliberate plot. Further, exception may be taken to M. Michon's general use of the term *bourgeois*. To argue that the Revolution culminated in the overthrow of the *bourgeois* régime because the relics of the feudal dues were abolished by law on 25 August 1792 (p. 430), and insinuate therefore that socialistic ideas disregarding the rights of private property prevailed, is to neglect the obvious fact that individual property was declared inviolable in the existing and subsequent declarations of the rights of man, while the fate of the Babouvistes under the directory shows how little sympathy was given to socialistic or communistic ideas by the men of 1792, 1793, and 1794. Wherever else the inspiration of socialistic ideas is to be sought, it is not among the organizers of the revolution of 10 August that it will be found.

As for Duport, he had by then seen the error of his ways, and, like other moderates, he was fated to see himself made the tool of a court which never trusted him. His chief period of greatness was undoubtedly the constituent assembly, but even here M. Michon shows how the triumvirate in practice never continued in one stay, adhering now to the extreme left, then clinging to Mirabeau, then turning against that unscrupulous politician when they found he had no further use for them. But in his paper schemes Duport is singular in having some regard for the lessons of experience, and he was willing to adopt ideas which had been practised with success in England and the United States. Of all these projects M. Michon gives an abundant account, though we might criticize the identification, on p. 176, of justices of the peace with itinerant justices in this country; but it may well be doubted whether the adoption of institutions indigenous to England would have then proved of advantage to other countries such as France, and whether the constituent assembly did not act wisely in building up a judicial system based on its own experience of the old parliamentary system of France.

There is an appendix printing in full the surviving letters of Barnave, culled from the library at Grenoble and the National Archives. Part of this correspondence has already been printed, and it was used by Miss Bradby, but it has never before been collected and printed *in extenso*.

L. G. WICKHAM LEGG.

The Monroe Doctrine: Its Importance in the International Life of the States of the New World. By ALEJANDRO ALVAREZ. (New York: Oxford University Press, 1924.)

THIS work, by a distinguished Latin-American jurist, is a very useful one. It consists of 110 pages of text and about 460 of documents. Some of the latter were published in the *International American Conference Reports, &c.*, vol. iv (Historical Appendix), recently, but it is useful to have them accessible.

The first points on which M. Alvarez lays stress are the anticipation of the doctrine by the Chilean Egana in 1811 (pp. 113-16), and by Bolivar during 1815-17 (pp. 116-19). He attaches importance (and rightly, I think, despite assertions to the contrary) to Bolivar's designs at the Congress of Panama (pp. 141-55). The fact is that Bolivar, after seeing the failure of congress, described it in 1828 as a *fanfarronada*. At the time he seems to have believed in its efficacy.

On one point at this period M. Alvarez is in error, or, at least, on dangerous ground. The question of Cuba and Porto Rico was viewed by the United States during 1825-6 as a case of the 'special interests' of their country (pp. 40-8, 93). Hence they warned France of the danger of interfering there (p. 94). But that was because of the danger from slave-insurrection and proximity to the United States. As a general principle the United States were not prepared to warn off European powers by force of arms from the American continent at any time previous to 1845. As M. Alvarez says (pp. 106-7) their protests against the British reoccupation of the Falkland Isles (1833, p. 106) and Guatemala (1835, p. 106) were

distinctly feeble. This was because they did not consider their 'special interests' endangered.

As regards the European reception of the Monroe doctrine during 1823-4 (p. 39) M. Alvarez seems to have been unable to use the extracts from documents published by me in the October number of this Review.¹ He also omits to state that during 1829-30 Spain sent an armed expedition to Mexico.

At any time since 1845 the United States have been ready to assert an interpretation of the Monroe doctrine which has varied at different times, but has always implied a threat of complications, and sometimes a definite menace of armed action, in the case of European aggressive interference in Spanish America. The extracts, drawn from a great variety of sources, published in this connexion are especially valuable, and M. Alvarez has compiled a handy *vade mecum* to all aspects of the Monroe doctrine. Since 1895 it is difficult to say what the real position is. European intervention has been removed, but the archives of the United States and of Latin America have not yet revealed all the secrets of their relations. But for this we can hardly blame M. Alvarez. HAROLD TEMPERLEY.

The Origins of the War of 1870 : New Documents from the German Archives.

By ROBERT HOWARD LORD. (Harvard Historical Series, vol. xxviii. Cambridge, Massachusetts : Harvard University Press, 1924.)

PROFESSOR LORD's new work is the result of a detailed examination of seven volumes of documents in the Berlin archives. More than half the book is filled by 235 transcripts of dispatches and telegrams which give the German side of the diplomatic battle of the twelve days (3-15 July) preceding the French declaration of war. In addition there are some twenty Austrian and Spanish dispatches from Berlin, and other correspondence between Marshal Prim and the Hohenzollern princes.

In the first portion of the volume Dr. Lord has retold in the light of this evidence—much of it hitherto unpublished—the main facts of the Hohenzollern candidature, the events leading to the Ems crisis, the telegram and the final drift to war.

It was the Prussian envoy at Madrid, Baron von Werther, who at a dinner-party held at Biarritz in November 1866, at the house of Mrs. O'Shea, first suggested Leopold of Hohenzollern as a suitable candidate for the Spanish throne. Bismarck seems to have been already directly interested in the question by the summer of 1869 and the blame for the initial crisis of 3 July 1870 is mainly his. The author gives a more detailed account than we have yet had of the 'Werther mission' to Ems on the 6th, which was not less important than the Benedetti mission. In order to hold back the king from concession, Bismarck urged him, through Abeken, to take a bold course.

The firm and fearless attitude which we have always hitherto adopted in the face of every disturbance in Paris is the most essential factor to which we owe the preservation of peace. France, in my opinion, fears a serious breach more than we ; but if we give ground for the belief that we are the more afraid French insolence will soon leave us no other choice than war.

¹ *Ante*, xxxix. 590.

The Werther report of the 12th is here published in full for the first time, and it is clearly established that it only came to Bismarck's knowledge at about midnight on the 13th and not at noon of that day. Werther's letter was the cause of the final refusal of an audience to Benedetti, but it had nothing whatever to do with Bismarck's editing of the Ems telegram. As regards the famous 'park' interview Dr. Lord shows that although the fact was concealed in Abeken's first draft of the Ems telegram, it was King William who initiated the conversation with Benedetti. Another remarkable telegram composed at the supper-party on the 13th makes it plain that even if France had not raised the demand for guarantees of renunciation there would still have been war. The 'Gallic bull' was to be stirred by an 'ultimatum' requiring France 'to explain her intentions towards Germany'. The arrival of Abeken's telegram from Ems, however, caused this plan of campaign to be dropped, and the revised edition of the Ems telegram was utilized in its place. The real truth about Bismarck's conduct here is that although he added nothing which was not in the original telegram, and changed scarcely a single word, he altered the whole sense of it

by insinuating that the sole answer William had made to the French demand was to break off relations with the ambassador; by concealing the primary object of the sending of the adjutant (to confirm the news of the renunciation), and the real meaning of the words 'nothing further to communicate'; and above all by so phrasing things that the public was likely to draw the conclusion—as it actually did—that all relations with France had been abruptly and decisively terminated.

It is doubtful whether the Ems telegram itself made war more certain than it was, for although the French cabinet was agreed to drop the demand for guarantees, neither the war party in France nor that in Germany was disposed to accept a pacific settlement.

Dr. Lord's monograph is notable for its exhaustive analysis of the documents which it presents. The dexterous use of telegrams and the continental Bradshaw is an interesting departure from the usual method of diplomatic history. The whole story has of course still to be written, and in many volumes. It is to be hoped that the French official publication, *Les Origines Diplomatiques de la Guerre de 1870*, which has as yet only reached 1866, will throw some light on the obscurities of the last few days. It is unlikely to affect seriously the judgement of Dr. Lord that 'it is difficult not to accuse both governments in 1870 of criminally playing with fire'.

W. A. GAULD.

Παλαιολόγεια καὶ Πελοποννησιακά. Two vols. By SP. P. LAMPROS. (Athens: Privately printed, 1912-24.)

WHEN the late Professor Lampros died, he left unfinished the historical work on the last despots of the Morea, for which for forty years he had collected materials from seventy-two libraries (including that of Lincoln College, Oxford, and the Bodleian) in eighteen countries. The committee for the issue of his literary remains has now published two handsome volumes of this book, containing the general preface to the whole work and the two special prefaces to either volume by the author with

three additional notes by the editor, the well-known scholar, K. I. K. Bogiatzides. The first volume comprises an anonymous appeal to the Council of Florence—at which the despot Demetrios Palaiologos was present, like the Emperor John VI, his brother—writings of Markos Eugenikos, metropolitan of Ephesos, of his brother John, and of John Dokeianos, the Pontic scholar who lived in the Morea. The second volume embraces treatises and letters of, and to, Gennadios the Scholarios. Some of these pieces have been published previously, or subsequently to the author's death, by Boissonade, Dräseke, Mgr. Petit, and others. But the object of this collection was not theological but historical, although we have to winnow a few grains of historical fact from much Byzantine verbiage. Of special interest are the 'Descriptions of Corinth and Petrina'; the memorial to the despot Theodore I, when he thought of becoming a monk in 1427; the consolatory address to Constantine on the death of his first wife, Theodora Tocco, in 1429; the monody on the death of Maria, princess of Trebizond and wife of John VI, in 1439; the funeral oration over Theodore II in 1443; the two prayers 'for the safety of the Peloponnese', one of which alludes to the Albanian insurrection there in 1453 (ii. 159); and the letter to Theodore Karystenos about the Albanians of the Morea (ii. 185). Other historical allusions are to Phrangopoulos, founder of the Pantanassa church at Mistra (i. 165), to Nikephoros Cheilas, 'the Prince'—a supposed descendant of the Villehardouin princes of Achaia—to Constantine at Patras, to the visit of Demetrios's daughter to Venetian Nauplia about 1450, to the Blessed Leontios, a native of Monemvasia who became a monk near Aigion, and to the election of Fantinos as metropolitan of Athens in 1440 (i. 22).

Outside the Morea there are letters to Lippomano, duke of Crete (1435–7), and a member of the same family of which there is a monument at Chalkis, and to Asanes in Lemnos, probably the governor of Imbros visited by Cyriacus of Ancona (ii. 234). We have allusions to Palamede Gattilusio, under whom the heretic Juvenalios was active at Ainos, and to Dorino I Gattilusio, 'the best and most glorious lord of Mytilene, devoted to letters and possessed of their beauty' (ii. 249, 285). Contributions to the history of Trebizond are the letters to the emperors Alexios IV, John IV, and David, and to Amoiroutzes (i. 155–7, 204–7; ii. 236). They mention that minister's mission to Italy, enclose a copy of the funeral oration on Markos Eugenikos to John IV and his brother David—a passage confirmatory of the earlier date of John's accession, as Lampros noticed¹—and announce a present of fruit to 'the emperors of Trebizond'. These cannot, however, have been David and his nephew Alexios, as Lampros conjectured, because the text describes them as 'father and son', a description which would fit Alexios IV and either of his sons, John and Alexander, whom he is known to have associated successively with him in the empire.

The work, of which these volumes are the first instalment, contains a lifelike portrait of the author and is in every way a scholarly production worthy of his memory.

WILLIAM MILLER.

¹ *Ante*, xxxviii. 408 ff.

Le Japon, Histoire et Civilisation. Tomes vii et viii. By the MARQUIS DE LA MAZELIÈRE. (Paris : Plon, 1923.)

WHATEVER criticisms may be offered as to details, the seventh volume of this series is well worthy of the attention of every student of the history of civilization. The author's aim is to show the character, historical development, and extension of western civilization, especially into Asia, its condition at the beginning of the present century, and the influence of modern Japan over the whole of the Orient. In order to do this he traces the development not only of western, but of each type of prevailing civilization in masterly fashion. Describing the character of 'occidental' or Franco-English civilization, as contrasted with the Mediterranean type, he depicts its dominating influence on European development, its transit by land through semi-civilized Russia and semi-barbaric Islamic nations to India, and its more direct transit by sea to India and the Far East, especially to Japan. That occidental civilization through modernized Japan has had an influence over the greater part of oriental Asia probably few will dispute, but it is questionable whether such influence is as powerful as the author maintains. Nevertheless this volume will repay study not only for the ideas it advances, but for the immense amount of information it contains. To do it justice half a dozen reviewers would be required, for the ground covered is the history of the whole northern hemisphere.

Dealing here only with the Far Eastern section one finds numerous disputable statements, which it is only right to say do not affect the author's main theme. For instance, is it correct to call the founders of the famous Chou dynasty 'invaders', or 'destitute of civilization', or to say that their 'invasion' reduced the people to any deeper servitude than before (p. 423)? Moreover, where does Confucius ever advocate 'le succès pour la seule preuve de la vertu', or 'un bien-être purement matériel' (p. 424)? It is disputable also that 'la culture de la Chine n'eut pas ce que donne une élite véritable' (p. 425); or again, that 'le traditionalisme . . . avait arrêté tout progrès'. It is extremely doubtful whether northern barbarism had the dire effects on Chinese civilization here attributed to it; certainly 'la barbarie impulsive et inconsciente des nomades' has left the nomads still barbarians. The author's harsh criticism of the Manchus (p. 428) is unjustified by facts, for during the greater part of that dynasty the court was more truly civilized and more the encourager of civilization than any for a thousand years past; it by no means 'plunged the masses into misery', but on the contrary lifted them out of it and gave them a progress hitherto unknown. The author's pen rather carries him away when writing (pp. 429 and 432) of 'la tyrannie de la famille' and that 'le groupement familial comprenait habituellement de quarante à cinquante personnes'. As to the 'pao cheng' (p. 437), he was never anything more than a beadle and almost always illiterate; and certainly (p. 438) 'La moitié des Chinois mâles' have never known 'plusieurs centaines de caractères', for not ten per cent. of them could or can read. Moreover, to say that it was 'l'influence des envahisseurs barbares' which made the Chinese superstitious and cruel is amply refuted by the ancient books and the whole course of history.

It is possible that disputable points such as these are limited to the section on China, admittedly the most difficult subject for any one to summarize. In any case they in no way invalidate the main arguments of the book. The author treats of European civilization in its Mediterranean and 'Occidental', Teutonic and Scandinavian types; Eurasian, i. e. that of 'semi-civilized' Russia, and that of the 'semi-barbaric' Moslems in Arabia, Turkey, Africa, Egypt, Persia, and the Far East; Indian; Far Eastern; and American; also of the reciprocal penetration of Asiatic, European, and American civilizations and their conflicts. The foot-notes, giving figures, dates, and references, are very useful.

The book is admirably written and most interesting. Whoever will hold his judgement in reserve on the claim to Japanese hegemony of modern civilization in Asia will enjoy this notable volume.

Volume viii deals with the revision of the Japanese treaties, especially with reference to the abolition of extra-territoriality, the attainment of commercial independence, and recognition as one of the great powers. This is followed by an account of relations with China, the war with Russia over Korea, the intervention of western powers, and the resulting treaties.

W. E. SOOTHILL.

Die Grossbuchstaben der Sogenannten Gotischen Schrift mit Besonderer Berücksichtigung der Hildesheimer Stadtschreiber. Von F. UHLHORN. (Leipzig: Tondetur & Säuberlich, 1924.)

IN Dr. F. Uhlhorn's dissertation we have a continuation of the researches begun by Dr. F. Vornholt, whose study *Die Initialen und Grossbuchstaben der Lateinischen Buchschrift in ihrer Entwicklung bis zur Frakturschrift* was published in Greifswald in 1907. The results of this study, which are confirmed by Dr. Uhlhorn's researches, may be summed up in one sentence: in the development of Latin calligraphy ornamental initials have managed to retain their essential and normal forms, whereas capital letters (such as are used at beginnings of sentences) in most cases lost their majuscule forms and became assimilated to the style of script in the text. In assessing the value of this observation it should be borne in mind that it results from an examination of published facsimiles only. Dr. Uhlhorn's work in this respect is better than his predecessor's: part of it, at least, is based on originals. In part ii (pp. 18-47) he deals with the products of over thirty Hildesheim scribes whose activity stretches from 1217 to 1470. He has examined over two hundred of their charters and has put together many facts. All this might be of value if the author's accuracy could be depended upon. This, however, is doubtful if the discussion and bibliography found in part i are a fair sample of his method. In this part an attempt is made to sketch an outline of the subject by means of brief chapters on the general development of capitals, on the history of 'Fraktur' (the angularization of strokes), 'Zierstrich' (the ornamental, supplementary stroke of Gothic capitals), and on the influence of cursive on calligraphy. The author discovers the beginnings of the 'Zierstrich' in a palimpsest page of Visigothic cursive of the eighth century (pp. 9-10). This is remarkable enough. But more remark-

able still are his next three ancient examples—all from Visigothic manuscripts of the eighth century. The first are taken from a manuscript of Isidore's 'Etymologies' (Escorial, Q. ii. 24) of the year 733; the next from a manuscript of Isidore of the year 743, where a greater variety of forms are to be seen; the third from a manuscript (Escorial, I. Q. 24) of the year 771. The reader will hardly suspect what the author could easily have found out, had he taken proper pains, that these three several manuscripts are one and the same. The author should also have known that this important manuscript of Isidore (its present press-mark is T. ii. 24) has long been dethroned from its eighth-century pinnacle and been assigned to the tenth century.¹ Considering the author's manifest unfamiliarity with palaeographical material and methods it would be rash to attach much weight to his conclusions. Altogether it is idle to expect a contribution to this subject from his mode of attack. It would seem self-evident that research in this rather barren and unpromising field, to be fruitful at all, must be made upon the manuscripts and charters themselves, not upon promiscuous and fragmentary data furnished by published facsimiles. One can learn more facts about Gothic capitals from Messrs. Johnson and Jenkinson's alphabets in *English Court Hand* than from any number of treatises like the present. Their alphabets are exact copies of the originals reproduced by mechanical processes which do not lie. The alphabets given by Dr. Uhlhorn are hand-drawn and consequently untrustworthy. The bibliography at the beginning is devoid of a guiding principle and replete with errors betraying gross carelessness. In short, the work is not a scholarly performance.

E. A. LOWE.

¹ See the writer's 'Studia Palaeographica' in the *Sitzungsberichte* of the Munich Academy (1910), pp. 67, 81 f.; C. U. Clark, *Collectanea Hispanica* (Paris, 1920), p. 34; and Professor Lindsay's preface to the *Etymologiae*.

Short Notices

It will be known to many of our readers that for about two years past an international committee, promoted by the Union Académique Internationale, has been at work on the preparations for a 'new Ducange', a new medieval Latin dictionary. The British Academy has formed two strong committees of scholars, one to take part in this international scheme, which at present is not to be carried later in date than the eleventh century, the other to collect materials from British sources for a continuation covering the period after Domesday Book down to about A. D. 1600. These committees have issued an appeal for voluntary help like that which has made the *Oxford English Dictionary* and is making the new 'Liddell and Scott'. For these works a number of contributors undertook to read particular books or classes of books with a view to selecting suitable quotations, noting them on slips of uniform size. Such assistance is now invited from all those who know enough classical Latin to enable them to recognize non-classical words and usages. We most cordially support this appeal, and urge that those of our readers who are willing to help should communicate, according as their interest is in the earlier or the later middle ages, with one or other of the secretaries of the two British committees. If they have special facilities for reading a particular text they are requested to name it when they write: instructions and slips will be provided. The secretary for the committee dealing with the earlier period is Professor J. H. Baxter, of St. Mary's College, St. Andrews, Scotland; for the later Mr. Charles Johnson, of the Public Record Office, Chancery Lane, London, W.C. 2. Ed. E. H. R.

In his study of *Die Kenntnis der Byzantinischen Geschichtsschreiber von der Ältesten Geschichte der Ungarn vor der Landnahme* (Ungarische Bibliothek, Erste Reihe, no. 5. Leipzig: Gruyter, 1922), Dr. Herbert Schönebaum discusses the question of the Magyar migrations as we know them from the Byzantine historians, beginning with the earliest occurrence of their name, which is to be recognized in the Hunnish king Μούγελ, mentioned by Malalas. With this is bound up the very difficult problem presented by the names, certainly not transcribed with any great accuracy by the Greek writers, by which these peoples and others of Ugrian and Turkish stock are known, and how far these names are to be taken as ethnic, and how far as political. Thus he concludes (p. 49) that the Hungarians (Ugurs and Onogurs), who inhabited the Macotis region in the fifth century, formed politically a part of the Hunnish power, but were ethnically Turanian Turks, that is, were of Ugrian blood. The author makes no allusion to Professor Bury, who handled the question, though more briefly, ten years earlier in his *History of the Eastern Roman*

Empire, especially in Appendix XII, 'On the Magyar Migrations and the Names Magyar, Hungarian, Turk'. The present book gives with full discussion all the evidence to be found in Byzantine writers from Malalas down to Constantine Porphyrogenitus on these barbarian peoples, their names and migrations. It will be especially indispensable for the study of the relevant parts of the treatise *De Administrando Imperio*. R. M. D.

In *The Conquests of Ceawlin* (London: Murray, 1924) Major P. T. Godsall claims that he is giving a 'coherent and adequate' account of the second stage of the Saxon conquest. His guesses about the career of the second bretwalda are thrown out in the same airy way as were those about Ælla of Sussex in his former book, *The Storming of London and the Thames Valley Campaign*. Credit may be given to Major Godsall for gallantry in attacking a very difficult subject, but on almost every page of his book he exposes himself to criticism from many directions. In the first place, he is not abreast of recent work on the period. For instance, he does not seem to know the writings of Professors Chadwick, Zimmer, and Ekwall. He is uncritical in his use of the Saxon Chronicle. Thus, in order to commend its dubious entries about Cerdic and Cynric and Stuf and Wihtgar, he suggests that 'the main entries of the Chronicle were gathered from squared wooden staves, covered with runic writing, recording the main facts for each year, one stave or boc used for a year'. After such a statement it is not surprising to find that he ignores the difficulties caused by the different chronology given in the preface of the Parker text. Major Godsall prides himself on the fact that his narrative is not 'a patchwork of inductions' but 'co-ordinated by some scheme . . . by means of reasonable deductions from the principles of military science'. His method leads him to dismiss the philological objections of the late Mr. W. H. Stevenson and to locate once more Mons Badonicus at Bath and Fethanleag at Faddiley in Cheshire. He finds support for his Mons Badonicus theory in the mention of a battle at Bath by Geoffrey of Monmouth. When 'reasonable deductions' demand it, the views of archaeologists are dismissed like those of the philologists. It is clear to the author that the Wansdyke was not made by the Romano-Britons for their defence. He can 'prove to demonstration' that it was made by Ceawlin, and to him 'it is very easy to name the exact year in which work on it ceased'. A large part of the book is pure fiction—'reasonable deductions'—about Ceawlin's visit to Ida at Bamborough, about his direction of the 'marine transport', about the part played by the men of Oxford, and such-like things. Major Godsall says that his intention is to challenge criticism and to stimulate critics to offer better explanations. Mr. Leeds and Dr. Ekwall have shown how the laborious work of sifting archaeological and etymological evidence may lead to valuable hypotheses which help to throw some uncertain light on the Saxon invasions, but the same can scarcely be said of these reckless guesses of Major Godsall.

R. H. H.

The *Note sur la Ministérialité en Belgique* (Extrait du *Bulletin de l'Académie Royale de Belgique*. Brussels: Hayez, 1924) in which M. des Marez

discusses a recent work by M. Ganshof on the *ministeriales* in Flanders and Lorraine is of considerable importance. M. des Marez does full justice to the value of M. Ganshof's book; but he refuses to accept the view that the *ministeriales* formed a separate class, and to believe that they were necessarily of unfree status, at least in the lands which now form Belgium. In spite of some past opposition, the view that the German *ministerialis* was *ipso facto* of servile status is now practically undisputed by German scholars. M. Ganshof holds that this was true also of the Flemish *ministeriales*, who disappeared early in the twelfth century, and of those who survived a century or so longer in Lorraine. M. des Marez rejects at the outset the practice of affixing hard and fast meanings to such words as *ministerialis* and *familia*. He then shows that one distinguished Belgian family, that of Aa, later castellans of Brussels, though a family of *ministeriales* was never unfree. He goes on to prove that, while *ministeriales* who began as servants on the demesne and who were generally of servile origin could not alienate freeholds (*alleus*) without permission, many others could possess and alienate them freely. Finally he analyses the order of attestations to charters and shows that it conveys no consistent impression of the inferiority of the *ministeriales*, nor of the uniformly unfree character of an early *familia*. Indeed, the tendency in Lorraine, as elsewhere, was towards the formation of households of noble and free elements valuable for the support of their lords. As a plea for the exact determination of the meaning of particular texts and phrases, and a protest against the reliance upon hard and fast generalizations, this short paper has a wide application.

F. M. P.

It is perhaps true, as Miss Eileen Power complains in the preface to her book on *Medieval People* (London: Methuen 1924), that 'what may be called the personal treatment' of social history has yielded unduly to the severities of the scientific method. It is the more to be regretted that the protest should once again suggest—surely without truth—that the 'personal' and the 'popular' method are identical. Until the personal method can take to itself a manner less trivial the lost balance is not likely to be restored to historical work. It is perhaps not fanciful to suggest that a passage such as, 'he often shivered and shook the rime from his beard, and wished that the big house and all its land were at the bottom of the sea (which, as a matter of fact, he had never seen and could not imagine)', is not likely to incline towards historical reading even the most popular audience which would buy a book on medieval people.

E. S. C.

The merits of Mr. Salzman's book on *English Industries of the Middle Ages*, first published in 1913, are well known to students of economic history. In several of the subjects treated it broke new ground, throwing considerable light upon medieval industries, 'their chief centres, their chronological development, the conditions and the methods of working'. The new edition (Oxford: Clarendon Press, 1923), enlarged by the addition of a hundred pages, contains two fresh chapters, one on Building and the other on Fishing. Of particular interest is the chapter on Building, in which the author discusses such topics as the medieval architect, the

organization of the masons, and the nature of the building operations. The value of the new edition is enhanced by a hundred illustrations 'taken almost entirely from medieval sources'. They are reproduced with all the admirable skill of the Clarendon Press, and serve to bring vividly before our eyes the medieval craftsman at work. It is regrettable that Mr. Salzman has not been able to carry out the intention to which he made reference in the preface to the first edition, 'to compile a series of transcripts of industrial records on lines similar to the *Documents relatifs à l'Industrie* of M. Fagniez'; they would be exceedingly welcome. Meanwhile we are grateful to Mr. Salzman for a valuable contribution to knowledge on a difficult and little-known aspect of English industrial life.

E. L.

The new edition in the *Fonti per la Storia d'Italia* of the official annals of Genoa from 1099 to 1298, *Annali Genovesi di Cafaro e de' suoi Continuatori*, has now reached its third volume, which covers the period from 1225 to 1250 (Rome: Istituto Storico Italiano, 1923). This is slow progress, for the first volume appeared in 1890; but the work has had to contend with exceptional difficulties: the first editor, L. T. Belgrano, died in 1895, and both he and his successor, Marquess C. Imperiale di Sant' Angelo, have been impeded by illness and other causes, of which the last has been the war. As the explanatory notes, useful as they are, do not err on the side of over-elaboration, and the collation gives the variants of only two manuscripts (the original and its duplicate being both extant), it is to be hoped that the conclusion of the work will not be long delayed. The present volume is edited with great care in the usual sumptuous *format* of the Istituto. We have only to wish that an explanation had been given of the cessation of the variants from MS. E. from p. 122 onwards, and that a recapitulatory note of the manuscripts used in collation had been prefixed: as it is it requires search in the preface to volume i to find out. In his introduction Marquess Imperiale well brings out the curious mixture of personality and impersonality in the narrative of this mainly anonymous section of the annals. It is always official, yet there are personal touches; its merit and comprehensiveness vary, but the interest of its theme is always the same, Genoa, neither a man nor the world. *Naïveté* is mingled with formality. The 'prouidi Ianuenses' are in contrast with the 'Pisani bubanciis pleni'; at the election of the Genoese Innocent IV to the papacy his countrymen 'uidebantur ad astra uolare', while Frederick II returns towards revolted Parma, 'ueniens cum furore'.

C. W. P. O.

Das Recht im Bilde by Hans Fehr (Zürich: Rentsch, 1923), forms the first of a series of three volumes concerned with the relationship between law and art—a relationship which the author strongly emphasizes in his preface. The volumes to follow will deal with law and poetry, *Recht in der Poesie* and *Die Poesie im Recht*. Pictures as an aid to the understanding of history have in recent years with the development of reproductive processes become very common, but the task of selection and of commenting upon the pictures is seldom undertaken by experts in the subject. One of the chief merits of *Das Recht im Bilde* is that it is the work of

a recognized authority. The volume consists of a short preface, 222 plates, and a letterpress which describes in detail the source of each illustration and the legal process or ceremony to which it relates. The plates taken from manuscript illuminations, water-colour drawings, woodcuts, engravings, &c., range from the twelfth to the nineteenth century, but the majority belong to the central period of the Renaissance and the Reformation, for which the Swiss chronicles of the two Diebold Schillings and the collection made by Johann Jakob Wik of Zürich in the middle of the sixteenth century are the most productive sources. For the student of the middle ages the numerous reproductions from the Heidelberg manuscript of the *Sachsenspiegel* are of special interest. A large section is devoted to pictures of executions; these are curious, often repulsive, and of antiquarian but not of much historical interest. It matters little to the historian, even the legal historian, to know why a man is hanged or beheaded, a woman drowned, a witch burnt, or a poisoner disembowelled, that many forms of death are relics of some ancient atonement to pagan deities. Professor Fehr tells us all these things and supplies illustrations which depict these forms of death with the fullest and most realistic detail. But the student will gain much from a careful examination of the pictures which deal with the process of law, the holding of courts, the methods of trial by compurgation and by the various ordeals of fire, water, and battle, the ceremony of coronation, of investing with fiefs, and of doing of homage. The elaborate procedure of these acts becomes lucid and intelligible when examined with the help of these illustrations.

A. L. P.

M. Ch.-V. Langlois's method of resuscitating medieval French society by summarizing typical literary works of the period, adopted by him in Lavis's *Histoire de France* (tome iii, part 2) and in a series of other publications, is well known and needs little justification. The relatively rapid sale of his books testifies to their interest and utility. His latest volume, *La Vie en France au Moyen Âge de la Fin du XII^e au Milieu du XIV^e Siècle d'après des Romans Mondains du Temps* (Paris: Hachette, 1924), is a new edition, revised and partly recast, of *La Société Française au XIII^e Siècle d'après Dix Romans d'Aventure*, which ran through three editions between 1903 and 1914. Three short stories have been added, 'Gautier d'Aupais' has been replaced by 'Jehan et Blonde' (Philippe de Beaumanoir's masterpiece), the introductions have been brought up to date, and the three appendixes contain a great deal of new matter. The romances are well selected and neatly retold, the introduction to each is packed with valuable information, and the explanatory notes are entirely trustworthy. The abundant narrative literature of thirteenth-century France lends itself particularly well to this treatment. Naturally the method has its limitations. Only the higher strata of society are fully represented in these works. Moreover, no analysis can equal the original work in value, even for documentary purposes: in order to avoid interfering too much with the progress of the tale, M. Langlois has inevitably omitted many details of real interest to the student of medieval life and thought. Even if they were much more fully indexed, such analyses

would remain far less valuable for purposes of reference than the more comprehensive works of A. Schultz and L. Gautier. Nevertheless, by creating an interest in and showing the historical value of Old French literature they perform a very useful function. Students of medieval literature are particularly indebted to M. Langlois for bringing together, in a compendious form and with full data, so many works often difficult to procure, or long and tiresome to read through. A feature of special interest in this volume is the author's attempt to reconstruct the literary career of the minstrel Jean Renart, to whom he ascribes four of the most attractive and original romances of the thirteenth century. E. G. R. W.

Monsignor Auguste Pelzer's valuable discussion of the first book of the *Reportata Parisiensia* of Duns Scotus (Louvain: Institut Supérieur de Philosophie, 1923) is almost painfully damaging to the reputation of Luke Wadding, to whom we owe the standard edition. Wadding seems to have begun with a curious misinterpretation of the term *reportatio*. He thought that it referred to a transportation from the Oxford to the Paris commentary, but actually the word is common in a sense closely allied to our English 'report' and 'reporter'. A written version of the master's lectures by one of his audience would be called a *reportatio*, and its value would depend, of course, upon the intelligence and accuracy of the pupil. Sometimes the master himself would afterwards examine and correct the report, in which case it would assume the status of an authentic text. Having established this point, Monsignor Pelzer proceeds to discuss the four principal versions of the first book of the commentary on the Sentences, together with some texts derived from one of them. The most important (of which there is a manuscript at Merton College) is described as the 'grande reportation examinée avec Jean Duns Scot'. Besides this, there is a 'petite reportation' of German origin, a 'mauvaise reportation' printed at Paris in 1517-18, and an abridgement of the 'grande reportation' by William Alnwick, who died in 1332. From Alnwick's work are derived three other versions, including the 'contaminated' edition of Wadding, printed at Lyons in 1639. Monsignor Pelzer maintains that Wadding's text, far from being authoritative, is an arbitrary reconstruction, based on Alnwick but eked out with extracts from the Paris version, which Wadding himself had denounced. Worse than this, Wadding is convicted of altering such expressions as *quaesivit* and *induxit* into *quaesivi* and *induxi*, as though he were himself the author of passages composed by Duns Scotus. It seems, then, that we have all been reading an inferior text, but, since there are three good manuscripts of the 'grande reportation', it is still possible to produce a correct version, and Monsignor Pelzer ends with an appeal to the Quaracchi editors to come to the rescue. W. H. V. R.

Dr. Oscar Albert Johnsen, whose book on Finmarken has recently been noticed in this Review,¹ has just published another work on the history of Norway in the later middle ages under the title *Norgesveldets Undergang, et Utsyn og et Opgjør Nedgangstiden* (Kristiania: Ascheborg, 1924). As the author of good accounts of the history of the Norwegian states and the Norwegian peasantry he was well qualified to join the

¹ *Ante*, xxxix. 157.

small number of European scholars who are trying to base the knowledge of their national history on a thorough combination of original research and social interpretation. The decline and fall of the old Norse world means to him the slow dissolution of the national groundwork of the old free peasantry, the old gentry, and the church by the alien influences of Hanseatic trade and city life and an at least partly German monarchy and bureaucracy. This view is happily far from being inspired by any nationalist bias. For, as is well known from the history of the greater continental nations and of Germany herself, the chief thing in the shaping of the modern state is not so much a struggle of races as the entrance of powerful international elements such as early capitalism and the corresponding technique of specialist administration and armaments. The earlier and stronger development which Norway's Scandinavian neighbours, particularly Denmark, had undergone in this direction was bound to make all attempts at union after Kalmar instruments in the ruin of old Norway, just as even the papacy is seen as an ally of Queen Margrete in her ecclesiastical wrestling with the Norwegian chapters (p. 109, where Johannes Haller's view of the internationalism of papal policy in pre-Reformation times might have been aptly compared). Students of English social history will be interested in finding here, too, the Black Death marking an economic epoch and reinforcing the more permanent and hidden causes which made for the disruption of medieval constitutions (pp. 67 ff., on the authority of a statistical inquiry published by S. Hasund in 1920). But, from the last chapter on the contemporary life of the people, one realizes the stability of the deepest strata of Norwegian society.

C. B.

Mr. H. P. Biggar, the chief archivist for Canada in Europe, has performed a notable service to all who are interested in the early history of Canada, and also to students of historical cartography. In his *Voyages of Jacques Cartier* (Ottawa, 1924), which forms no. 11 of the 'Publications of the Public Archives of Canada', he has given us the first satisfactory modern edition of the text of these famous voyages. It is over sixty years since the last complete edition was published, and during that interval there have been discoveries of importance in connexion with the text, including the finding at the Bibliothèque Nationale of the only known manuscript of the original text of the first voyage. Moreover, the nineteenth-century editions of the complete voyages were far from satisfactory; that of 1843, published by the Literary and Historical Society of Quebec, is a small volume with few notes, while that of 1857, published in Charton's *Voyageurs Anciens et Modernes*, is of a frankly popular character and in modernized spelling. Mr. Biggar's edition is well printed, and is equipped with many valuable notes dealing with topographical and bibliographical questions; the French text and the English translation are printed together, one above the other. A notable feature of the book, marking a great advance on the earlier editions, is the inclusion of a number of facsimiles, among which are several reproductions of early maps. It is of interest to notice how slowly the knowledge of Cartier's discoveries seems to have been assimilated by the map-makers of Europe, and how

long it was before the printed maps of the period began to show the results of that knowledge. Although Cartier had reached the site of Montreal in 1535 there is no indication in Mercator's world-map of 1538 that tidings of these discoveries had reached the Low Countries by that date, and it was not until some thirty years later that the full import of his voyages was shown on maps. Mr. Biggar helps us to trace this gradual development by his reproductions of parts of the magnificent Desceliers maps of 1546 and 1550 and of the Mercator map of 1569. A good modern map is also given on which Cartier's routes are clearly marked. In addition to the three voyages of Cartier Mr. Biggar prints the text of Roberval's voyage from the third volume of Hakluyt, the French original being unknown. Another extract from Hakluyt, dealing with the English voyage of 1536 to Newfoundland under Master Hore, is given in an appendix. It is unfortunate that the volume is not provided with a bibliography; even a short list of works consulted would have been of considerable use. Apart from this defect the book is admirably edited and is likely to remain the standard edition of Cartier for many years to come.

F. P. S.

The volume on *Mary Queen of Scots* (Cambridge: University Press, 1924) by Major-General R. H. Mahon consists of a number of studies following upon those in his recent book, *The Indictment of Mary Queen of Scots*,—*Vorarbeiten*, so we gather, to a work on the tragedy of Kirk o' Field. Mary has found a new champion in the author. The first two chapters of the book need little comment. They are too slight to prove their unusual theses. In the first Mary is portrayed as a simple young woman, anything but astute and wilful. In the second, which is a survey of her marriage negotiations, there is a theory about Don Carlos, Mary, and the Netherlands, which is speculation of a rather wild kind. In the later part of the book the author reopens the Casket Letters controversy, the last real protagonists in which were T. F. Henderson and Andrew Lang. Lang used the Lennox papers at Cambridge in an attempt to prove that letter no. 2, the longest and most damaging of the Casket Letters, was in part a forgery; but Henderson met his arguments with such effect that Lang swung over to the opinion that the letter was genuine, a fact of which General Mahon seems to be unaware. Lang's study of the Lennox papers was, however, not thorough. Hence the place for General Mahon's book. So far as letter no. 2 is concerned his contention is substantially Lang's, though the lines of proof introduce some novelty. In consequence Henderson's arguments largely hold good against the new plea and ought to have been answered, since they are weighty, weightier, we think, than General Mahon's. They are not entirely ignored. General Mahon, for example, rejecting Henderson's theory, persists in regarding the early summaries of letter no. 2 given by Silva and by Lennox in his first narrative, as summaries of an earlier forged text; but his own misrepresentation (on p. 92) of part of Henderson's argument might be cited as a warning not to expect a summary—and especially one at third hand like Silva's—always to tally closely with the text it is summarizing. The most novel feature of General Mahon's

argument is his theory about letter no. 1, which he believes to have been written from Stirling and not from Glasgow, and to refer not to Bothwell but to the infant prince James. It is sheer conjecture, requiring a purely hypothetical mission of Bothwell; and if the reader does not boggle over the airy setting of the letter, he will certainly strain at one of the supposed references to a baby. Some of General Mahon's criticisms undoubtedly deserve a detailed reply; but in this controversy he is an unsafe guide who sees deliberate fraud so easily in the contradictions of testimony and the preparation of evidence, and who is, moreover, so unrestrained as General Mahon in his speculations. J. E. N.

Whether *George Digby, Second Earl of Bristol*, whose life (London: Fisher Unwin, 1924) has been written by Mrs. Dorothea Townshend, is worth the pains of a biography, is a matter of opinion, but, if so, the work under review does not appear fully to meet the case. It adds little to the information already available in the pages of the *Clarendon State Papers*, Carte, and Warburton, and an opportunity is missed in telling the diplomatic history of the exile, for which material exists from French and Spanish sources not yet woven into English books on the subject. The picture given, however, of Digby individually is spirited, and the troublesome Irish negotiations are clearly, if dogmatically, explained. But the book is marred by hasty judgements (e. g. upon Ormonde), and here and there suffers from inaccuracy. Thus, it was not Sir John Berkeley who swore away the character of Anne Hyde, nor was Charles Berkeley (who did so) the son of Sir John. The Christian name of Massey was Edward, not William. Carte, Ormonde's biographer, could not have learned facts (p. 180) from Ormonde himself, for Carte was born in 1686 and Ormonde died in 1688. Lucy Walters was not the mistress of Henry, but of Robert, Sidney. Sir William Coventry did not lose influence by his 'staunchness' to Clarendon. Nor was the Dutch war Clarendon's war. K. F.

If, as seems probable from the absence of any references, notes, or index, the aim of Professor C. M. Andrews's *The Colonial Background of the American Revolution* (New Haven: Yale University Press, 1924) be to appeal to a wider public than that interested in the colonial portion of American history, his volume assuredly deserves a wide popularity. From the fullness of his knowledge Mr. Andrews is able to pick out the salient facts and tendencies; so as, within a small compass, to give a clear and impressive account of the antecedents of the American Revolution. Incidentally one notes that against the view of Professor McIlwain and his followers Mr. Andrews says: 'It is safe to say that in the eighteenth century before 1763 the colonists . . . made no denial of Parliament's right to legislate for them.' In a chapter of 'general reflections' the author deals very sternly with those who falsify or encourage the falsification of history for the purpose of propagandism, piety, or misplaced patriotism. Above all he regards as the chief obstacle in the path of truth the laziness of the ordinary reader who 'seeks in history mental relaxation rather than mental effort and gathers his impressions as he runs'. H. E. E.

Mr. Robert Birley's Gladstone memorial prize essay, *The English Jacobins from 1789 to 1802* (London: Milford, 1924), throws new light on their propaganda and on the spies of the period. It is unpretentious and well informed. Something more might be said as to the proportion of the population interested in the movement and as to the causes of its failure. One was its excessive admiration of revolutionary France. Another, its leaders' want of political instinct. Their love of theoretical details and their almost universal indifference towards current economic grievances weakened their appeal to the poor; their belief in extra-parliamentary action ran counter to the traditions of the educated. Mr. Birley appends a good bibliography. Among secondary authorities W. P. Hall's *British Radicalism, 1791-1797*, might have found a place. G. B. H.

Mme Grace M. Jaffé divides her little monograph on *Le Mouvement Ouvrier à Paris pendant la Révolution Française, 1789-1791* (Paris: Alcan, s. a.) into an introduction and two parts. The introduction shows that on the eve of the Revolution the lot of the manual labourer, with wages as low as twenty sous the day and the 4 lb. loaf as high as fifteen sous, was almost insupportable. Though in law entrance into the trade corporations, analogous to the English guilds, had been made easier, it was still in fact almost unattainable. The prosperity of the speculative builder provided a sharp contrast with the misery of the workers he employed. The first part of the book traces the labour movement from August 1789 to January 1791. The working class at the outbreak of the Revolution supported the *bourgeoisie* in its attacks on the privileged classes, but it soon found that the grievances of the *bourgeoisie* were political, while its own were economic. In spite of the fact that there were police regulations against trade associations, a tentative movement began for a union of the workmen of a trade to obtain a fixed minimum wage and a shorter working day. The critical period, described in the second part, to which more than half the book is given, lies between March 1791, when the corporations were abolished, and June, when Le Chapelier's law forbade all associations of workpeople, on the grounds that any effort to fix or raise wages was an interference with the freedom of contract. Between these dates Mme Jaffé traces a determined but peaceable movement towards trade unions, and she proves conclusively, out of the mouths of the employers, that the movement was not the outcome of ruin and despair, as historians hostile to the Revolution have asserted, but of a definite increase in prosperity, as all successful labour movements always have been. The assembly passed Le Chapelier's edict almost without comment, under the fear of a riot among the workers, a fear which Mme Jaffé considers unjustified. But in any case it would have been an easy matter to pass such a law in an assembly chiefly of *bourgeois*, all deeply imbued with the economic doctrines of the physiocrats. It was but the complement of the law abolishing the corporations. Mme Jaffé has made excellent use of unpublished and published sources, and it is to be hoped that she will continue her valuable study for the later years of the Revolution. She and the 'Bibliothèque d'Histoire Contemporaine' have been badly served by their printers. In several cases lines have been repeated

or misplaced, and the short list of errata, itself containing a mistake, only includes a small proportion of the most obvious errors. M. A. P.

Rear-Admiral H. W. Richmond has published the fourth volume of *The Spencer Papers, 1794-1801* (London: Navy Records Society, 1924). The parts of this volume dealing with the Baltic and with naval policy are meagre. Much of it deals with Sir Sidney Smith, whom St. Vincent deemed 'completely enveloped in the importance of his ambassadorial functions'; he sharply rebuked him (p. 60) for giving orders to ships under Nelson's command. Elgin, on 15 January 1800, declared that Smith had no right to the function of minister plenipotentiary after the conclusion of the recent Anglo-Turkish treaty at Constantinople. Yet he assumed it in the Levant even before the signature of the El Arisch convention; and his claim (28 February 1800) that Elgin had pressed him 'to get the French out of Egypt on any terms' is against the evidence. Mornington, however (p. 97), approved the convention. Other letters show the difficulty of maintaining the naval blockade of Valetta in winter. General Fox would not spare 1,000 troops from the now weak citadel of St. Philip's, Minorca, though Keith believed that 1,000 more good troops would take Valetta (March 1800). On its capture (5 September) Dundas at once pressed for an expedition to Egypt, to which Spencer agreed (pp. 126-31). It is doubtful whether the proclamation of Governor Malartic in Île-de-France (January 1798), as to French co-operation with Tippoo for an attack on the British in India, in any way determined 'the destination of Bonaparte's army' as the editor states (p. 154); for Spencer merely stated that that proclamation 'went a good way to determine for us' the question of its destination. Bonaparte had made up his mind long before (see his letter of 23 February 1798 to the Directory). Malartic's proclamation filled Tippoo with illusory hopes, warned Mornington to take timely precautions, and induced Spencer to send Blankett's squadron to watch the Red Sea. Blankett deemed a French naval expedition from Suez to India quixotic. Curtis's poor opinion of the Cape of Good Hope (p. 207) may have played some part in inducing Addington to surrender it in 1802.

J. H. RE.

M. Rodolphe Reuss set out to describe in *La Grande Fuite de Décembre 1793 et la Situation Politique et Religieuse du Bas-Rhin de 1794 à 1799* (Strasbourg: Istra, 1924) the general exodus of some 25,000 to 30,000 inhabitants of Alsace, who from fear of the terror and hatred of the anti-catholic policy of the convention followed or were swept into the retreat of Wurmser's army. But after a dozen years' work on some 140 folio volumes of proceedings of the directory of the central administration of the Bas-Rhin, M. Reuss could not resist the temptation of touching on other subjects and, by the addition of the sub-title, transforming his book into a sequel to his previous volume, *La Constitution Civile du Clergé et la Crise Religieuse en Alsace*.¹ The subjects are certainly closely connected. After the flight it soon became apparent that, whether or not the authorities were justified in reckoning this mass of fugitives as outlawed

¹ See *ante*, xxxviii. 288, 621.

émigrés, the country could not spare the work of so many hands. The law of 22 nivôse an III (11 January 1793) enacted that manual labourers and their dependents should be struck off the list of *émigrés* so long as they returned to their houses before 1 germinal. The period of grace was hardly sufficient to allow these humble people scattered in the trans-Rhenish villages to hear of the edict and get permission from the military authorities to return. Although ex-nobles and priests were expressly excluded, many undoubtedly returned, while many agricultural labourers either returned in all innocence after the prescribed date or found their way barred. The local and central authorities were faced with the dilemma of either exacting the extreme penalties of the law from those they had encouraged to return, or by a measure of clemency running the risk of admitting the refractory priest and the royalist noble, both particularly dangerous in a frontier department. They viewed the problem from a different angle, and until the consulate no policy was either consistently developed by the one or vigorously applied by the other. It is to be regretted that M. Reuss did not concentrate on the main subject of his book, for though he gives a great many very long extracts from the *procès-verbaux* of the directory and their letters to the government, written, to use his own phrase, in the bombastic and sentimental style of the period, it is nevertheless impossible to gather any precise information as to what was the number of the fugitives, voluntary or involuntary, how many returned before the expiration of the days of grace, how many, if any, suffered death as returned *émigrés*, and to what extent the law of 22 nivôse was abused by active enemies of the republic. In his peroration M. Reuss says, 'En présence de ces affirmations contradictoires de contemporains, bien placés pour savoir la vérité sur les dispositions des émigrés du Bas-Rhin . . . comment oserions-nous risquer un jugement définitif et sans appel sur ces fuyards de l'an II ?'—a conclusion which does not add to the sum of knowledge.

M. A. P.

One of the major difficulties of the diplomatic historian must always be the elimination from his pages of superfluous material belonging to the domains of political and military history without making his own story unintelligible. In his book *The Diplomacy of Napoleon* (London: Arnold, 1924) Mr. R. B. Mowat has not been conspicuously successful in overcoming this difficulty, and in his efforts to do so his sense of proportion has at times been obscured. Material that could well have been omitted has been included, while some important diplomatic episodes of the Napoleonic period are passed over in a few sentences. For example, as much space is devoted to Napoleon's social surroundings in Lombardy as to the interesting negotiations which culminated in the outbreak of war between the United States and Great Britain; and, interesting as the pictures of Napoleon kicking his hat about the floor or of Cornwallis plagued by aristocratic smugglers may be, we could well have exchanged them for more information concerning Napoleon's dealings with the pope on the eve of the latter's removal from Rome. Some discussion of the emperor's efforts to keep Joachim of Naples in hand, too, would surely have come within the scope of this volume. The same defect appears in

the notes, where we are given chapter and verse for such well-known facts as Marie-Louise's relations with Neipperg, and for such diplomatically unimportant details as the climate of Montebello, while no specific reference is given for the startling figures on p. 2. In matters of detail there is also room for correction. Though Lord Yarmouth's career is very inadequately dealt with in the *Dictionary of National Biography*, Mr. Mowat is mistaken in supposing that it is altogether omitted. There is a contradiction in terms in the account of Napoleon's final determination on a divorce from Josephine; on p. 235 it is stated that an event which took place in 1810 was an element in the decision which was announced (p. 236) in 1809. In any further edition we would also plead for a more comprehensive index.

H. M. L.

In the second volume of *Le Règne d'Alexandre I^{er}* (Paris: Plon, 1924) M. Waliszewski covers the years 1812-16. He states that his intention has been to deal particularly with those parts of his subject which have not been adequately treated by previous historians: hence his work does not replace the standard authorities, of which he makes frequent use. There are full reference notes; unfortunately the page references are not always accurate. The large amount of material noted from Russian and Polish printed sources is specially useful. As is to be expected, M. Waliszewski utilizes an exceptionally wide range of memoirs; though it may be doubted how far his selection is really illuminating. Although the volume contains much interesting detail and many picturesque touches, it does not contribute materially towards a better understanding either of Alexander or of his reign: until the appearance of the third volume, however, it would be unfair to cavil at the sub-title of the work, *La Russie il y a Cent Ans*.

B. H. S.

The second volume (1823-65) of the *Mémoires du Baron de Damas* (Paris: Plon, 1923), which his grandson the Comte de Damas has edited, is mainly concerned with the period from 1823 to 1832, during which Damas, after commanding a division under Marshal Monecy in the French invasion of Spain, was minister of war from 1823 to 1824 and then succeeded M. de Chateaubriand as minister of foreign affairs, being also appointed in 1828 governor to the duke of Bordeaux, who should have become Henry V but for the July revolution. Damas, while a faithful servant of the restored Bourbons whom he accompanied in their flight to England, was not blind to the faults and follies of Charles X, which he criticizes candidly. He at any rate was not blind to the signs of the coming revolution, but that Charles X brought his fall on himself needs little argument. Damas remained in exile about four years, returning to France in 1834, but never completed the dictation of his memoirs, stopping at 1832; but various notes and documents are given which carry his story down to his death and throw light on his attitude to Louis-Philippe and to the Empire, and on his relations with the legitimists in exile. The volume will be of considerable interest to all students of the period of the Restoration in France.

C. T. A.

¹ See *ante*, xxxix. 636.

In *The Peaceable Americans of 1860-1861* (Studies in History, Economics, and Public Law, edited by the Faculty of Political Science of Columbia University. New York: Columbia University Press, 1921) Dr. Mary Scrugham makes a study of public opinion in America at the outbreak of the civil war. Her conclusion is that 'probably more than four-fifths of the American people preferred compromise to civil war or to a dissolution of the union', and her discussion of the subject, though rather slight and general, is interesting as indicative of a more critical attitude to the policy of Lincoln. 'It seems highly probable', she writes, 'that the Constitution would have been equal to this crisis had not the presidential election machinery been subverted by political parties, or had Washington's advice regarding the formation of geographical political parties been incorporated in the Constitution. . . .' This may well be, but Lincoln had to take the constitution and the state of parties as he found them.

E. A. B.

The second volume of the *Minutes and Accounts of Stratford-upon-Avon* (1566-7), edited for the Dugdale Society by the late Mr. Richard Savage and Mr. Edgar I. Fripp, is interesting chiefly to Shakespearian students, owing to the frequent mention of the poet's father John, whether as alderman or bailiff. But historical students in general will be grateful for documents that throw light on the working of municipal government in the sixteenth century. The case of Alderman Perrott may be noted. He twice refused the bailiwick and was fined £20; later on the corporation sued him at considerable expense, and the arbitrators to whom the matter was referred ordered that he should pay £13 6s. 8d., should be exempt from bearing any office, and should bestow a free gift of £40 on the corporation; more than thirty years, however, elapsed before this gift was paid. The religious changes of the years 1566-7 are reflected in the order (p. 54) for the sale of copes and vestments remaining in the gild chapel, where shortly before the old stained glass windows had been removed (p. 47). The popularity of the drama in the midlands is shown by entries of gifts to various companies of players. The Chamberlain's Accounts furnish useful details as to prices, wages, and building, also other matters such as the carrying out of the unpopular Statute of Caps by means of a negotiation between Alderman Hill, a woollen-draper, and an informer who had visited Stratford. Fire-hooks and fire-ladders are occasionally mentioned (pp. 76, 98, 106), and there is an interesting entry bearing on poor relief in 1576; every alderman had to contribute 2d. a week and every burgess 1d. In the sixteenth century Stratford contained a sprinkling of Welsh inhabitants, as is shown by the names Lewes ap Wyllyams (p. 31), John Welsh, *alias* Edwards (p. 80), and Griffin vp Robertes (p. 81). The schoolmaster who came from Oxford to Stratford in 1575 was Thomas Jenkins, and another Jenkins was beadle in 1578: the latter received 3½ yards of frieze for his coat and 1½ yards of cotton to line it, both materials being probably of Welsh manufacture.

C. A. J. S.

Dr. H. M. B. Reid's book on *The Divinity Professors in the University of Glasgow, 1640-1903* (Glasgow: Maclehose, 1923), contains seventeen

biographies. Some of these deal with well-known personages, for example, Robert Baillie, Gilbert Burnet, James Wodrow, and John Caird. It is naturally the professors of less note about whom Dr. Reid has collected new information. But we are indebted to him for useful criticism of Grosart's life of Baillie in the *Dictionary of National Biography* and for a revised estimate of Baillie's share in the work of the Westminster Assembly.

History [he says] has with its usual caprice put Henderson in the foreground, but it was Baillie who drafted Henderson's papers, and it was Baillie who sat at Henderson's elbow prompting and coaching him. . . . Henderson, Dickson, Douglas, and many others, used his brains and allowed the world to think him a cipher. They were the public orators of the Covenanting movement; but he was its brain (p. 120).

Dr. Reid has made a careful study of the relevant university records, and of the writings of each professor. His book illustrates very clearly the gradual change, in two centuries and a half, of the training given to the parochial clergy of Scotland. Until the time of Dr. Leechman (elected in 1743) the main business of the divinity professor was to teach systematic theology. Simson, appointed in 1708, was the first professor whose opinions savoured of modernity. It was objected against him that he considered the ultimate motive of piety to be the desire of happiness; also that he thought the moon might be inhabited (p. 218). But Leechman was one of Hutcheson's most promising pupils, and incurred the suspicion of deism because he evinced respect for Butler and Shaftesbury and imitated his master in appealing to the evidence of 'natural religion'. The period of philosophic theology was followed by one in which the main stress was laid upon the study of social problems. This period began with the appointment of Stevenson Macgill in 1814. He was the predecessor of Dr. Chalmers in the Tron parish, and devoted himself in that position with such energy to practical good works that the parishioners remained (according to Chalmers) lamentably ignorant of dogmatic theology. Simson's *Letters to a Young Clergyman* form a valuable though unconventional text-book of practical advice to his students. The tradition which Simson established was worthily continued by his successor Alexander Hill, whose importance as a leader of opinion is perhaps too generously appreciated (p. 315) by Dr. Reid. These two teachers ruled in the Divinity Hall from 1840 to 1867. It is perhaps significant of the times that their successors from 1867 to 1903 were chiefly engaged in the attempt to keep the church of Scotland abreast of modern thought and scholarship.

H. W. C. D.

The fourth volume of the late M. Longnon's series of *Obituaires de la Province de Sens* (Paris: Imprimerie Nationale, 1923) contains the obituaries of the dioceses of Meaux and Troyes and is edited by MM. Boutilier du Retail and Piétrisson de Saint-Aubin. It forms a *corpus* of the various documents, obituary rolls, kalendars, necrologies, containing records of the dates of death of the members of the various religious communities, regular and secular, in these dioceses, and of the benefactors of their houses. Sometimes also the festivals of particular saints are the occasion of distributions, and the property from which the expenses were

provided is recorded with the name of its donor. The book is produced with that magnificence which characterizes the publications of the French government, and has an admirable index. It is sad to find that many of the original obituaries have been lost, one even since 1879, and late transcripts or extracts have had to be used. The compilers have in many cases wisely omitted the obits of persons whose Christian names alone are given, but even so the number is very large. As is natural, few of them are of interest to English students, but the abbey of La-Chapelle-aux-Planches, a Praemonstratensian house, has preserved the obits of Thomas, the founder of Welbeck (30 August), and of William, one of the abbots (16 September). The collegiate church of St. Urban at Troyes kept that of Blanche of Champagne, widow of Edmund of Lancaster (23 December). On the same day the priory of Fontaines observed that of Amice of Leicester, mother of Simon de Montfort. The obituary in which this occurs seems to have belonged to Fontevrault, and also contains the names of Richard I, Maud of Scotland, queen of Henry I, Maud the empress, and Henry I. Queen Berengaria was commemorated by the abbey of Boulancourt. Among other celebrities commemorated in this district were Ogier le Danois, Charles the Bald, Abélard and Héloïse, and a Jean Buridan, dean of St. Stephen, Troyes, whom it does not seem unreasonable to identify with the schoolman whose ass is so celebrated. A separate index of subjects mentions many interesting gifts and relics, and some details of building, such as a slate roof ('tegule ardesiane') at Chambrefontaine, added in the sixteenth century. C. J.

M. Jean Charlemagne Bracq's *Evolution of French Canada* (New York: Macmillan, 1924) is a glorification of the French-Canadian race. It would be improved if its history were more accurate, its references more select and trustworthy, and its tone less propagandist. M. Bracq inserts many foot-notes to prove his points, but does not distinguish between important primary and worthless secondary authorities: anything will do to prove the nobility of the French Canadians and their long martyrdom under British rule. He states (p. 71) that during the War of American Independence 'the majority of the Canadians were actively loyal', which flies in the face of all the best authorities if it is meant to cover the first and most critical year of the war. He writes (p. 76) that 'one almost shudders at the oppressive spirit of governors such as Haldimand', which is nonsense. His account of the Durham mission is a travesty of the facts; he fails to understand Durham's point about an excess of the clergy reserves over the statutable allowance (p. 29). He is chiefly concerned with beating a dead horse, for Ryland's views on the French Canadians have long been abandoned by every serious person, but M. Bracq is apparently unaware of this, and writes as if the present year were 1837. He neglects consistently any evidence that runs counter to his views, and has no word to say on the English leadership in the Lower Canada assembly that was such a marked feature of the years immediately after 1791. In fine few of M. Bracq's statements about the past can be accepted without verification. On present facts he is more trustworthy, but even here we read (p. 128), 'Canada has now an embassy

in Washington'. The most useful parts of the book are the sections on French-Canadian literature, where M. Bracq shows more critical spirit than elsewhere.

E. M. W.

The half-century with which Dr. Cardinal Goodwin deals in his book, *The Trans-Mississippi West (1803-1853)* (New York: Appleton, 1922), was a period of transformation for the United States. When it began, they were hardly out of their colonial days; they still had their face towards Europe and were entangled in its affairs; the Atlantic states were the dominant section; the country had not acquired its present territorial form, or its distinctive policy and institutions. When it ended, America as we know it, in form and spirit, had been created. Not the least important factor in this transformation was the great westward movement, which had carried the authority of the American union over the vast area from the Mississippi to the Pacific. That movement was at once a cause, a consequence, and a sign of the great change. The history of the acquisition and settlement of these western lands has been attracting an increasing amount of attention from American students in recent years. 'A great deal', as Dr. Cardinal Goodwin says in the preface to his book, 'has been done by state historical societies and by individual students to develop the local history of communities west of the Mississippi, enough, he says, to justify the writing of a general account. It is this which he has given us in this excellent book in a fuller and more complete form than has previously been possible. He has based his narrative partly on 'monographic and other secondary works dealing with the Trans-Mississippi west', and partly on original sources. It is a great story of exploration, imagination, diplomacy and war, and of the restless push of a young and growing nation in pursuit of adventure, profit, and a secure frontier. Dr. Goodwin has told it well, clearly, and vividly, with fullness of information and considerable descriptive power. The narrative includes the acquisition of Louisiana, Texas, Oregon, and California, the settlement of those areas, and special chapters on the early settlement of Iowa and Minnesota and of the Great Salt Lake Basin. Much of what he has to tell is familiar, but the story is expanded with fuller accounts of exploration and trade in the West than we before possessed, and is very valuable on the economic side. It is a most readable book, and bringing together, as it does, the story of Trans-Mississippi settlement in one comprehensive account, it fills a gap in American history. Mention should also be made of the six maps with which the book is illustrated, which include 'Indian land cessions west of the Mississippi (1804-54)', 'Texas: the latest grants and discoveries (1836)', and 'Overland routes to the Pacific (1853)'.

E. A. B.

The Central Publication Branch (Calcutta) of the government of India has issued a report of the proceedings of the Indian Historical Records Commission at its sixth meeting, held at Madras in January 1924. The session was opened by the governor (Lord Willingdon) in a speech welcoming the commission, and the chair was then taken by Mr. (now Sir) Evan Cotton, C.I.E. In addition to other subjects for deliberation,

eighteen papers were communicated, the texts of which are printed in the volume. These included 'Clive and the Strachey Family' (by the chairman), 'The Letter Books of Joseph Collet, Governor of Madras, 1717-20', 'George Chinnery, Artist', 'The Orme and Colin Mackenzie Manuscripts', 'Some Currency Reforms of Hastings', and several papers on Maratha history (by Professor Jadunath Sarkar and others). In connexion with the meeting, an exhibition of historical documents, paintings, coins, seals, &c. was organized, to which the French authorities of Pondicherry contributed a number of exhibits.

W. F.

In the last forty years or so epigraphy has done much to fix the uncertain outlines of Indian history, especially in determining the chronological structure on which so much depends. This and the new demands which the reader nowadays makes on the historian have put many of the standard works on Indian history out of date. In the present instance Nelson's *Madura Manual* and Caldwell's *History of Tinnevely* have long required revision; and Mr. Satyanatha Aiyar has been able to bring together in his book, *The Nayaks of Madura* (Madras University Historical Series, no. 2. London: Milford, 1924), many new facts unknown to the older writers. His book shows commendable industry. He has examined and compared almost all the available documents; the chief lacuna in his list of authorities consists of the Dutch records, which, with the exception of the Cochin Factory Records preserved at the Madras Record Office, are beyond the reach of students working in India. The nayaks with whom he deals were by origin viceroys of the southern province of the Vijayanagar kingdom. They first asserted a quasi-independence towards the close of the sixteenth century, and controlled considerable areas in southern India till 1736. Their history is complicated, obscure, and unrelieved by striking characters or incidents; but it was worth establishing on a solid foundation by reason of its parallels with the history of provinces similarly situated in the north. Though Mr. Satyanatha Aiyar has generally dealt fairly with his evidence, one or two criticisms may be offered. The running controversy which he conducts with a late writer in the *Indian Antiquary* might well have been relegated to the foot-notes; the *nāttārs* mentioned on p. 121 were rather headmen than ryots in general; the Jesuit evidence which accuses the Dutch of treacherously luring men into slavery (p. 157) cannot be taken very seriously, time and circumstances considered; and the proprietary right over the soil which he ascribes (p. 59) to the poligars within the limits of their authority is, to say the least, highly improbable, and requires direct evidence of a kind which he does not provide.

H. D.

In his *Sepoy Recruitment in the Old Madras Army* (Calcutta: Historical Records Commission, 1922) Mr. H. Dodwell makes use of the army records of the Indian Imperial Record Office to write a careful monograph on the early history of the employment of European-trained Indian troops in the south of India, the races and the geographical areas chiefly drawn upon, and the methods of recruitment employed.

P. E. R.

Last October the John Rylands Library celebrated the twenty-fifth anniversary of its inauguration. Its trustees took the opportunity to publish a record of the history of the library, prepared for the occasion by the librarian, Dr. Henry Guppy, *The John Rylands Library, Manchester, 1899-1924* (Manchester: University Press, 1924). This is a pamphlet of 144 pages, illustrated by 62 plates. It contains a short history of the Rylands Library as well as of the Althorp Library and the Crawford collection of manuscripts which form its principal elements, and gives besides a *résumé* of its contents and a description of the buildings. Its arrangement involves a certain amount of verbal repetition (e. g. pp. 91, 112), but none the less the book is a comprehensive account of the wonderful growth of a great library founded and endowed by private benefaction. The list of publications given at p. 47 reminds one of the fact that the library is as yet without published catalogues of Greek codices, Latin manuscripts outside the Crawford and Spencer collections, European vernacular manuscripts, and of the bulk of its Oriental manuscript collections. For that reason the *Catalogue of an Exhibition of Medieval and other Manuscripts and Jewelled Book-covers*, simultaneously issued, is the more welcome, since it brings together the treasures of all sections of the manuscript department.

H. H. E. C.

The bibliography of a land with the inferior, yet more than local, status of Hungary is bound to include much material whose direct connexion with the history of that country is of the slightest, and this difficulty has not been avoided by Dr. Robert Gragger, the editor in chief of *Bibliographia Hungariae. I. Historica* (Ungarische Bibliothek, 3rd series, vol. i. Leipzig: Gruyter, 1923). This catalogue of books and pamphlets, appearing over the period 1861-1921 in languages other than Magyar, is designed to fill the gap between Kertbeny's work and the current bibliography that is so welcome a feature of the *Ungarische Jahrbücher*, and is presumably to be followed by complementary volumes. Apart, moreover, from the inevitable overlapping with other bibliographies, the illogical subdivision of a work of historical reference such as the present into two primary sections, 'to 1914' and 'world war' respectively—the latter (with all its rubbish) occupying a third of the total space—may raise some doubt as to the discretion of the editorship, a doubt that is not allayed by the rather clumsy arrangement of the items within several of the subsections (e. g. A, Allgemeiner Teil, II C and III C, and the overlapping of 'Urkunden' and 'Briefe' in Spezieller Teil, VI A). An ecclesiastical rubric is also lacking, and it is a pity that in this respect the compiler did not adopt such an arrangement as category Q of Loewe's *Bibliographie der Hannover-schen und Braunschweigischen Geschichte*. We understand, however, that the volume was produced amid much pressure of other work, with expectation of revision in a second edition. It must indeed be confessed that—even for a first essay—the *Bibliographia Hungariae* displays many traces of that slipshod work which it would have been so easy a task to avoid. The many forms under which Krones's rather elaborate name appears and the noticeable variants in the simpler Gentz and Arneth entries seem due to a slavish copying into print of the title-slips. In col. 153 the

English edition of Metternich's memoirs should follow the French and the German versions. The *Inventare Österreichischer Staatlicher Archive* have reached a fourth and perhaps final volume (1918), though only the two mentioned may bear directly on Hungary. The identification of the Thürheim referred to in col. 51 should be carried further, as has been done by Charmatz in his *Wegweiser*. The latter's own entries in cols. 6 and 154 presumably refer to the same work and should be identically described. A curious error occurs in col. 159: Demelitsch has to our loss carried his laborious work no further than 1812, and the entry should appear somewhere about col. 143. I have not noticed a mention of the third series of Fournier's *Historische Studien und Skizzen*, though this contains 'Franz Deák's erste Ausgleichsaktion', a small thing, but at least as relevant as Milton's *Areopagitica* (col. 20). The Strobl (i. e. Strobl von Ravensberg) and 'Wacquant' items (col. 166) as given are misleading. New York, rather than London, gets the credit for the publication of many of the modern English historical works that appear. But all these and the like blemishes can easily be corrected in that second edition for which the editor hopes, and meanwhile we congratulate him on a volume that may be consulted not only for its ostensible purpose but also by the student of Austrian history at large as a useful complement to the compilations of Charmatz and of Dahlmann and Waitz. C. S. B. B.

Mr. E. A. Lowe and Mr. E. F. Jacob preface their collotype facsimile of the *Illustrations to the Life of St. Alban in Trin. Coll. Dublin MS. E. i. 40* (Oxford: Clarendon Press, 1924) with the hope that the book 'may form a small contribution to some much-needed future investigation of the abbey library' at Saint Albans in the later years of the thirteenth century. They have set a high standard of magnificence in production for any who may follow them in developing this investigation. The provost of Eton, in an introduction, expounds the claim of the manuscript to include the work of the hands of Matthew Paris as well as the work of his brain. With regard to the illustrations Dr. James advances the claims of Matthew Paris to immediate craftsmanship more tentatively, though he accepts as 'probable' this attribution of the explanatory rubrics and is disposed to trace various corrections to the same source. This is ground on which few would venture to engage with Dr. James, though it may be permissible in regard to this last point to emphasize the note of tentativeness. The introduction does perfectly what it sets out to do. It provides a very competent guide to the pictures and to the story, which is here set out in one of the pleasantest examples of thirteenth-century calligraphy. E. S. C.

CORRIGENDA IN THE JANUARY NUMBER

P. 117, ll. 20, 28, 43: *for* Bold *read* Bald.

THE ENGLISH HISTORICAL REVIEW

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The Parliamentary Committee of 1398

IN the constitutional history of the last two puzzling years of Richard II's reign there is nothing which has attracted so much attention as the committee of eighteen set up in the parliament of Shrewsbury in January 1398, the committee whose appointment led Stubbs to stigmatize the Shrewsbury assembly as a 'suicidal parliament'.¹ Yet none of the current accounts of the committee is altogether clear about either its powers or its purpose, and both points are of sufficient interest to warrant further investigation. There has always been some doubt about the terms of its appointment. As is well known, one of the accusations made against Richard II at his deposition was that

in parlamento ultimo celebrato apud Salop., idem rex proponens opprimere populum suum procuravit subtiliter et fecit concedi, quod potestas parlamenti de consensu omnium statuum regni sui remaneret apud quasdam certas personas, ad terminandum dissoluto parlamento certas petitiones in eodem parlamento porrectas protunc minime expeditas. Cuius concessionis colore persone sic deputate processerunt ad alia generaliter parlamentum illud tangentia, et hoc de voluntate regis, in derogationem status parlamenti et in magnum incommodum totius regni et perniciosum exemplum. Et ut super factis eorum huiusmodi aliquem colorem et auctoritatem viderentur habere, rex fecit rotulos parlamenti pro voto suo mutari et deleri, contra effectum concessionis predictæ.²

Hallam³ and Stubbs,⁴ while noting this accusation, did not definitely accept it as true. Dr. Tait, however, subsequently pointed out in his article on Richard II in the *Dictionary of National Biography* that the roll of the parliament of 1397-8 survives in three manuscript copies, two of which express the

¹ *Const. Hist.* (4th ed.), ii. 522.

² *Middle Ages* (12th ed.), iii. 78.

³ *Rot. Parl.* iii. 418.

⁴ *Loc. cit.*

committee's powers in narrower terms than the third copy, from which the printed version of the roll was taken ; this fact, he argued, ' raises a strong presumption in favour of the charge of interpolation afterwards brought against Richard '. As Dr. Tait only touched the point in this brief fashion, a few additional particulars may be given here.

The available information about the committee is contained chiefly in three separate records. Firstly, there is the parliament roll of 1397-8, which survives in the Public Record Office in three copies, catalogued as Parliament Rolls nos. 57, 58, and 59. Then there is the roll of pleas of the Crown in the same parliament, of which there are two copies, catalogued in the Record Office as Parliament Rolls nos. 60 and 61. Lastly there is the statute roll, of which there are two copies, numbered 3 and 4, in the Public Record Office. The three copies of the parliament roll are worth comparing in more detail. Two of them, nos. 58 and 59, are for all practical purposes duplicates, and they differ in several material points from no. 57, which is evidently the original from which the printed version was taken. One difference is that nos. 58 and 59 stop with a record of certain events which occurred on 19 March 1398, whereas no. 57 goes further and adds an account of some business transacted on 18 March 1399. Another difference is that nos. 58 and 59 give the committee much narrower powers than no. 57 purports to give. It will be remembered that when the eighteen persons were constituted into a committee in January 1398 they were entrusted with two distinct tasks. On the one hand they were instructed to ' terminate and finally discuss ' the accusations brought by Hereford against Norfolk ; their powers in this matter are stated in identical terms by all three copies of the parliament roll and also by the two copies of the roll of pleas of the Crown in parliament.¹ But the committee was also entrusted with other business as well : they were to deal with certain petitions left unanswered by parliament owing to shortness of time. It is here that the terms of reference as stated by rolls 58 and 59 differ from the version given by no. 57. In roll 58 (and also in roll 59, except for differences of spelling) the record is as follows :

[Margin.] Poair commis pur terminer petitions.²

Item mesme le Jeody le darrein iour de parlement les communes prierent au roy qe come ils eient deuers eux diuerses petitions sibien pur especiales persons come autres nient luz et responduz et queux pur briftee du temps ne purront bonement estre terminez a cest foiz durant le temps de cest present parlement, qe plerroit au roy commetter pleine poair as certains seignurs et autres persons qe luy plerra de examiner respondre et

¹ *Rot. Parl.* iii. 360 (54), 382 (11).

² In no. 59 the marginal entry reads, ' Poair pur terminer petitions apres le parlement '.

terminer les ditz peticions et les matiers contenuz en ycelles. Sur quoy nostre seigneur le roy par auctorite et assent du parlement ad ordeine et assigne . . . [18 persons named] . . . de examiner, respondre et pleinement terminer touz les ditz peticions et les matiers contenuz en ycelles come lour meulx semblera par lour bon advys et discrecion en celle partie par auctorite du parlement susdit.

In roll 57 the corresponding entry reads thus ¹ (words which do not appear in rolls 58 and 59 are here italicized) :

[Margin.] Poair commys pur terminer petitions *et autres choses*.

Item mesme le Joefdy les communes prierent au roi qe come ils aient deuers eux diuerses petitions, si bien pur especials personnes come autres nient luez ne responduz, *et auxi pleuseurs autres matiers et choses aient este moeez en presence du roy, lesqueux pur briefte du temps ne purront bonement estre terminez a present*, qe plerroit au roy commettre plein poair as certaines seignurs et autres personnes queux luy plerra d'examiner respondre et terminer les ditz petitions et les matiers *et choses suis ditz et toutes les dependences dicelles*. *A quel prier le roy sassenti*. *Et sur ceo, par auctorite et assent du parlement ad ordine et assigne . . .* [18 persons named] . . . de examiner, respondre et pleinement terminer *si bien toutz les ditz petitions et les matiers comprisez en ycelles come toutes autres matiers et choses moeez en presence du roy et toutes les dependences dicelles nient determinez solonc ceo qe meulx lour semblera par lour bon advys et discrecion en celle partie par auctorite du parlement suis dit*.

This entry in roll 57 is made without any interlineations or alterations. At a slightly later stage in the parliament roll of 1397-8 the committee's powers for dealing with petitions are once more recited by way of preamble to a record of the petitions which the committee, in pursuance of their powers, examined and answered after the dissolution of parliament. Here again precisely the same variations appear in the terms of reference. Roll 58 (and roll 59, except for differences of spelling) reads thus :

Fait a remembrer qe come nostre seigneur le roy a la requeste des communes de mesme le parlement eantz deuers eux diuerses petitions si bien pur especialx personnes come autres nient luez ne responduz et queux pur briefte du temps ne purront bonement estre terminez durant le temps du parlement, eit ordeine et assigne par auctorite et assent du dit parlement . . . [18 persons named] . . . de examiner respoudre et pleinement terminer touz les ditz peticions et les matiers contenues en ycelles come lour meulx semblera par lour bone avis et discrecion en celle partie par auctoritee du dit parlement come plus pleinement appiert desus en le rolle du parlement etc. etc.

Roll 57, on the other hand, reads as follows ² (words which do not appear in rolls 58 and 59 are italicized as before) :

Fait a remembrer qe come nostre seigneur le roy, a la requeste des communes de mesme le parlement aiantz deuers eux diuerses petitions si bien

¹ Printed in *Rot. Parl.* iii. 368 (74).

² Printed *ibid.* p. 369 (80).

pur especiales persones come autres nient luez ne responduz, et auxi pleuseurs autres matires et choses aient este moeuez en presence du roy lesqueux pur briefte de temps ne purroient alors estre terminez, ait ordinez et assignez par auctorite du parlement . . . [18 persons named] . . . dexaminer, respondre et pleinement terminer si bien toutes les ditz petitions et les matirs comprises en ycelles come toutes autres matires et choses moeuez en presence du roy et toutes les dependences dicelles nient determinez solonc ceo qe meulx lour semblera par lour bon advys et discretion [en] celle partie par auctorite du dit parlement, come plus pleinement appiert etc. etc.

This passage appears in roll 57 without any interlineations or alterations. It fortunately happens that this record of the petitions examined and answered by the committee after the dissolution of parliament is also entered on the statute roll.¹ The version there given—in both copies of the statute roll in the Public Record Office—agrees verbatim with that of Parliament Rolls 58 and 59, thereby establishing their authenticity as against roll 57. Other evidence shows, too, that rolls 58 and 59 are earlier in date, as well as more authoritative in form, than roll 57. Thus rolls 58 and 59 end, as already noticed, with certain business transacted in March 1398, whereas roll 57, which is written throughout in the same hand, mentions events which happened a year later. On several occasions, moreover, words and passages which appear in rolls 58 and 59 as additions or alterations come in roll 57 in the body of the text. Taken together, these various facts—that roll 57 is subsequent to rolls 58 and 59, and that it purports to give the committee wider powers than are given by the other two rolls—all point to the same conclusion. There can be little doubt that roll 57, from which the printed version was taken, is not an original roll. The authentic record of the parliament of 1397–8 is represented by rolls 58 and 59. Roll 57 is an altered version drawn up at some date after (probably soon after) 18 March 1399.

It is worth noticing that the differences between roll 57 and the other two rolls are in number but few. Beyond the variations in the terms of the committee's powers only two differences are of any interest. In its account of the first session of the parliament in September 1397, roll 57 records the following as one of the decisions made :

Auxint nostre seigneur le roy par lassent suis dit ad ordeinez et establiz qe toutz les juggementz, ordenances, declarations et establissemmentz faitz en cest present parlement soient tenuz et declarez pur estatutz et tiegnent force et uigour destatut en toutz pointz.²

This passage duly appears in the other two rolls, but in roll 58 it is quite clearly, and in roll 59 less clearly, an insertion in different

¹ *Statutes of the Realm*, ii. 107.

² Printed in *Rot. Parl.* iii. 354 (32).

ink. It does not appear at all in the corresponding portion of the statute roll.¹ Again, in its account of the session at Shrewsbury, after recording the oaths taken by the lords spiritual and temporal and affirmed by the proctors of the clergy and a great part of the commons, to maintain the judgements and ordinances of that parliament for ever, roll 57 has these words :

Et puis apres proclamation feust fait en audience de tout le pœple pur sauoir sils uorroient consentir a ceste manere de seuretee ; a quel ils responderent, adresceantz en haut leur maines dextres et criantz oue hautes uoices qil lour plest bien et qils sont a ceo pleinement assentuz.²

This passage does not appear in rolls 58 and 59. But with these two exceptions, the only important differences between the altered roll 57 and the authentic rolls 58 and 59 are those which concern the powers of the committee. The charge made against Richard II of falsifying the parliament roll in order to give the committee a semblance of wider powers is therefore substantially justified by the facts. It follows that the parliament of 1398, in setting up the committee, did not really intend to be 'suicidal' ; the powers which were actually granted to the committee were, as Hume long ago remarked, 'limited in the object'.³

The question now arises, What use did Richard propose to make of the committee with its ostensibly widened powers ? Did he intend it as a permanent substitute for parliament ? This question has been variously answered. Hallam asserts roundly that 'these eighteen commissioners, or some of them . . . usurped the full rights of the legislature'.⁴ Other writers, however, like Wallon⁵ and Dr. Tait,⁶ speak with more reserve. It may help to clear the ground if we endeavour to determine what use Richard is known to have actually made of the committee during the period of its existence. Definite accounts of its doings appear to survive only in the parliament roll of 1397-8, the roll of pleas of the Crown in the same parliament, and the statute roll of 21 Richard II. From these sources one learns something of its proceedings on five separate occasions. The first occasion is on 19 March 1398, when the king and the committee sat at Bristol. At this meeting two items of business are recorded to have been transacted. Five petitions left undetermined by the late parliament were examined and answered.⁷ The first was a petition from the merchants complaining of the inconveniences of certain regulations made in 1397 with the intention of maintaining good coinage.

¹ See *Stats. of the Realm*, ii. 101.

² Printed in *Rot. Parl.* iii. 360.

³ *Loc. cit.*

⁴ *Dict. Nat. Biog.* xlviii. 153.

⁵ *History of England* (ed. 1770), iii. 37.

⁶ *Richard II*, ii. 204.

⁷ *Rot. Parl.* iii. 369-72. The text, though printed from roll 57, is quite authentic except for the version of the committee's powers given in the preamble.

The second was a petition from the commons complaining that shoemakers were tanning leather contrary to a statute of 1390.¹ The third was from the commons complaining of the royal licences which enabled merchants to evade the regulations of the staple. The fourth was from the treasurer of Calais, stating that certain repairs and improvements were required in the harbour there, and asking that the cost might be met by levying various dues on ships using the harbour. The fifth was from the commons, complaining that the rivers of England were being obstructed by weirs and similar erections, so that boats could not freely ply for purposes of trade. To the first petition about the coinage regulations answer was made that the king would put things right by communicating with his officers at Calais. The other four petitions were met by drawing up 'certain ordinances and statutes', five in number, which are duly enrolled in the statute roll.² So far as is known, these five 'statutes and ordinances' are the only legislation made by the king with the assent of the committee. Four of them answer to the four petitions just mentioned: one forbids shoemakers to tan leather; the second prohibits any one from breaking the staple regulations unless he have the special licence of the king himself; the third makes provision for the repair and maintenance of Calais harbour; the fourth provides for the clearing of obstructions from rivers.

All these were quite minor matters, and obviously cannot be regarded as exceeding the powers that had really been given to the committee by parliament. The fifth of these 'statutes and ordinances', however, is at first sight more serious. The king, 'by the same assent of the said lords and knights of shires so assigned by the said authority of the parliament', willed and ordained that if any person should endeavour to procure the repeal of the said statutes or ordinances made by the king with the assent of the said lords and knights (i.e. the four 'statutes and ordinances' already mentioned), and the fact be duly proved in parliament, then that person should be punished as a traitor, in the same manner as those who should endeavour to procure the repeal of the statutes and ordinances made while the parliament was actually sitting. This fifth statute is in form rather a startling assumption of power by the committee. In substance, however, it was no more than an affirmation of the statute already made by the parliament itself, that any one who should endeavour to repeal any statutes or ordinances made in that parliament, or any part of them in any manner, should be adjudged a traitor.³ With the exception of this fifth statute, which was objectionable, however, rather in form than in substance, the statutes and

¹ See *Stats. of the Realm*, ii. 65.

² *Ibid.* pp. 107-10.

³ *Ibid.* p. 99.

ordinances known to have been made by the king and the committee seem to have been quite harmless and well within the powers really granted to the committee by parliament. To say with Hallam that the committee 'usurped the full rights of the legislature' is an exaggeration. The second piece of business transacted by the committee at Bristol on 19 March 1398 was to consider the accusations of Hereford against Norfolk. The king, 'by the advice of those who had authority of the parliament', decided that if sufficient proofs were not found, the matter should be settled by battle.¹

The second occasion on which we hear of the committee at work is at Windsor on 29 April 1398. On that day Hereford and Norfolk appeared, and as no sufficient proofs of Hereford's accusations had been found in the meantime, it was decided, 'both by the advice of the dukes, earls, barons, bannerets and chivalry of England in great number assembled for this same cause, and also of those who had authority of the parliament', that the two should join battle.²

The third occasion on which the committee appears in the records is at Coventry on 16 September 1398, when Hereford and Norfolk met to do battle. As is well known, the fight was prevented by the king, who 'willed, ordained and adjudged' that Hereford should leave the realm for ten years, Norfolk for life. This decision is described in the roll of the pleas of the Crown in parliament as made 'by full advice, authority and assent of the parliament', which means, presumably, the assent of the committee.³

The fourth occasion on which the committee is found at work is at Westminster on 18 March 1399. On that day it is recorded to have transacted two items of business. Permission had been given by letters patent to both Hereford and Norfolk, before they went overseas, to appoint attorneys to act for them during their absence, and in particular to receive on their behalf any inheritance that might fall to them. The king now decided to recall this concession, and on 18 March 1399 the letters patent issued to Hereford and Norfolk were revoked, on the grounds that they had been granted 'by inadvertence' and that they were contrary to the judgements given at Coventry. This revocation is stated to have been 'adjudged' by the king and the committee 'aiantz a ceo poair par vertue et auctorite du parlement'.⁴ On the same occasion the king and the committee considered the case of a certain Sir Robert Plesyngton. This gentleman had been a partisan

¹ *Rot. Parl.* iii. 383.

² *Ibid.*

³ *Ibid.* According to the *Chronique de la Traïson* (pp. 21-2), the decision was announced by Sir John Bussy as 'le jugement du roy et de son conseil'.

⁴ *Rot. Parl.* iii. 372.

of Gloucester, and had acted with him in 1386-7, but had died in 1393.¹ The king nevertheless desired that he should be formally branded as a traitor. This was accordingly done on 18 March 1399

par assent de les seignurs et chivalers des countees, aientz poair de tout le parlement dexaminer respoundre et pleinement terminer si bien diverses petitions et les matiers comprises en ycelles come toutz autres matiers et choses moevez en le presence du roy et nient terminez, ovesque toutz les dependences dicelles, come piert par le record ent fait en mesme le parlement.²

The fifth and last occasion on which the committee seems to have acted was at Windsor on 23 April 1399. On that day a clerk named Henry Bowet, who had assisted Hereford in drawing up the petition whereby he had asked to be allowed to receive inheritances by attorney, was brought before the king and adjudged to be a traitor by the assent of the committee, whose powers are expressed in exactly the same words as in the record of Plesington's condemnation.³

Only on these five occasions, apparently, can one learn anything definite about the committee's doings. On the first two of the five occasions the committee can scarcely be said to have exceeded its real powers. The four statutes and ordinances made at Bristol concerning the tanning of leather, &c., were clearly within its competence, as was also the decision that in default of sufficient proofs Hereford's charges against Norfolk should be settled by battle; the only doubtful point in the Bristol proceedings is the ordinance which made it treason to attempt any alteration of the four statutes and ordinances then made. The proceedings at Windsor in April 1398, when the committee, along with the chivalry of England, advised that Hereford and Norfolk should join battle, were likewise clearly within its powers, since it had been authorized by parliament to 'terminate and finally discuss' the charges which Hereford had made. The proceedings of the committee on the third occasion—at Coventry in September 1398—are not easy to defend on moral grounds, and the partisans of Lancaster evidently regarded them as being 'contra omnem iusticiam et leges et consuetudines regni sui ac iura militaria in hac parte'.⁴ The record in the roll of the pleas of the Crown in parliament states, as already seen, that the judgements at Coventry were given 'par pleyn avys, auctorite et assent du parlement': this may have been intended to imply that the authority and assent of parliament, as the highest court of the realm, would validate the unusual course that was taken.⁵

¹ *Dict. of Nat. Biog.*, s. n.

² *Rot. Parl.* iii. 384.

³ *Ibid.* p. 385.

⁴ *Ibid.* p. 419.

⁵ Richard may very well have remembered that the lords of the parliament of 1388, in dealing with the appeal against the king's friends, had declared that 'lour

Moreover, the powers given to the committee by parliament were general powers to 'terminate and finally discuss' the Hereford-Norfolk case. From the narrowly legal point of view, therefore, it might be argued that the proceedings at Coventry were justifiable. But morally they did involve some stretching of the committee's powers. It is on the fourth and fifth occasions, however, in connexion with the condemnation of Plesyngton and Bowet in March and April 1399, that the committee's proceedings become specially interesting for our present purpose. The record gives a version of the committee's powers which is not recited in the records of its proceedings on any other occasion, except in the account of its Bristol session given by parliament roll no. 57; and that account, as has been seen, is a demonstrably falsified account. On the evidence at present available it seems clear, therefore, that the phrase 'toutz autres matiers et choses moevez en le presence du roy et nient terminez, ovesque toutz les dependences dicelles' was not inserted into the committee's powers till March or April 1399; that it was then introduced in order to give the committee some colour of authority for handling the cases of Plesyngton and Bowet; and that thereupon a fresh copy of the parliament roll—roll no. 57—was written out with the spurious phrase interpolated in the earlier places so as to agree with the powers of the committee as recited in the record of the condemnations of Plesyngton and Bowet. This examination of the committee's activities suggests that the use to which it was ultimately put may have been no more than an ingenious afterthought, and need not have been in the king's mind when the committee was set up in January 1398. But however that may be, there is one noteworthy fact that stands out clearly. So far as the evidence goes, the committee, when it did exceed its powers either morally or legally, always seems to have done so in one connexion: it only seems to have stretched or overstepped its real powers in the process of wreaking vengeance upon the king's remaining enemies of 1386-8 and those who had then or subsequently aided and abetted them in any way.

This last fact indicates that Richard II may not necessarily have intended to use the committee as a means of dispensing with parliament altogether. That this was his intention is indeed suggested by some of the chroniclers,¹ but there are various

entent n'est pas de reuler ou gouverner si haute cause come cest appel est, que ne serra aillours trie ne termine q'en parlement come dit est, par cours processe et ordre use en aucune court ou place plus bas deinz mesme le roialme; queux courtes et places ne sont que executours d'anciens leys et custumes du roialme et ordinances et establisementz de parlement' (*ibid.* p. 236).

¹ 'Fecitque parlamentum hoc compromittere in xii personas, quae continuando parlamentum ubicunque et quodocunque regi placeret statuta sibi placita secum ordinarent' (*Eulogium Historiarum* (Rolls Series), iii. 377-8). Adam of Usk (*Chronicon*, p. 24) says much the same thing.

pieces of evidence which do not altogether square with the suggestion. In the parliament of January 1398, in which the committee was appointed, the king, in return for a grant of the subsidy on wool, wool-fells, and leather for life, and of fifteenths and tenths for a limited period, granted a general pardon to his subjects, but in doing so he made a declaration 'with his own mouth . . . that if the lords or commons of the realm who should come to the parliaments in the future' should impede or disturb the grant made to him for life, then the pardon should be void.¹ It may also be worth noticing that in the ordinance made by the king and the committee at Bristol in March 1398 it is ordained that if any one attempt to reverse any of the four statutes and ordinances then made 'and this be duly proved in parliament', he shall be executed as a traitor.² These two facts seem to show that in the early months of 1398, at any rate, the king did not contemplate using the committee as a means of completely superseding parliament.

If the scheme occurred to him, it must have been later. The evidence even for this is ambiguous. In his will, dated 16 April 1399, Richard made various bequests to his successor, with this condition :

dum tamen omnia et singula statuta et ordinationes et stabilimenta et iudicia in parlamento nostro xvii die mensis Septembris anno regni nostri xxi apud Westmonasterium inchoato, et in eodem parlamento usque Salopiam continuato et ibidem tento, facta lata et reddita, necnon omnes ordinationes et iudicia quae auctoritate eiusdem parlamenti in futuro contigerit fieri, approbet ratificet et confirmet teneat et teneri faciat ac firmiter observari.³

This at first sight looks as though the king by that time intended the committee to be permanent, and therefore, presumably, to supersede parliament altogether. But it may only imply that he meant to continue, if necessary, using the committee as he had used it already, i.e. mainly as an instrument of vengeance. At any rate it should be noted that apparently the only ordinance or judgement made by the committee after the date of the will was the condemnation of Bowet on 23 April, and this was an item in the king's exhaustive vengeance; indeed the close proximity of dates suggests that the passage in the will about future ordinances and judgements may quite conceivably have been inserted mainly with a view to the coming condemnation of Bowet. Again, if the king by 1399 had conceived the idea of superseding parliament altogether by using the committee 'ubi

¹ *Rot. Parl.* iii. 369.

² *Stats. of the Realm*, ii. 110.

³ *Foedera* (1st ed.), viii. 77. This passage in the will was subsequently made the basis of one of the articles of deposition (*Rot. Parl.* iii. 421).

et quando sibi placeret',¹ one would have expected him to take the committee, or at any rate a quorum of it, with him to Ireland: Wallon, indeed, asserts that he did so.² Now the committee consisted of eighteen persons, twelve lords and six commoners; but the quorum differed slightly according to the business in hand. For dealing with petitions the quorum was to be at least six of the twelve lords and at least three of the six commoners.³ For dealing with the Hereford-Norfolk case the quorum was as follows: one of the two lords (the earls of Wiltshire and Worcester) who were the proctors of the estate of the clergy; six of the other ten lords; and three or four of the six commoners.⁴ Now on the two occasions when the attendance at sessions of the committee is stated, there was undoubtedly a proper quorum present: for dealing with petitions at Bristol in March 1398 there were eight lords and three commoners, but neither of the earls of Wiltshire and Worcester;⁵ for quashing Hereford's and Norfolk's patents in March 1399, on the other hand, there were seven lords and four commoners and also the earls of Wiltshire and Worcester.⁶ This shows that Richard probably paid some attention to the technical requirements of a formal quorum when using the committee. If so, then it is important to observe that when he went to Ireland, although he certainly had six of the twelve lords there with him,⁷ he did not take the requisite minimum of three commoners: of the six commoners only Robert Teye seems to have accompanied him;⁸ Bussy, Grene, and Russell were left behind in England;⁹ Chelmeswyk and Golafre were by this time dead.¹⁰ It is thus clear that Richard did not take a quorum of the committee to Ireland as Wallon supposed. Moreover, there seems to be no record that the committee ever acted while the king was in Ireland. The two facts combined throw some doubt upon the assertion that Richard meant to use the committee as a substitute for parliament 'ubi

¹ Adam of Usk, *Chronicon*, p. 24.

² *Richard II*, ii. 237.

³ *Rot. Parl.* iii. 368; *Stats. of the Realm*, ii. 107. The printed version of the parliament roll, though taken from roll 57, gives the quorum quite correctly.

⁴ *Rot. Parl.* iii. 360, 382-3.

⁵ *Ibid.* p. 369; *Stats. of the Realm*, ii. 107. The record does not give the names of the members of the committee who were present when Hereford's accusations were considered on this occasion at Bristol; it merely enumerates the full committee, and then says that the decision was made by the king 'and the above-mentioned lords and knights', as though they were all present (*Rot. Parl.* iii. 382-3).

⁶ *Ibid.* p. 372.

⁷ The dukes of Aumarle, Surrey, and Exeter, and the earls of Salisbury, Gloucester, and Worcester.

⁸ *Cal. of Patent Rolls, 1396-9*, p. 554.

⁹ *Annales Ricardi Secundi* (Rolls Series), pp. 243-4.

¹⁰ Chelmeswyk is referred to as 'deceased' in September 1398 (*Cal. of Patent Rolls, 1396-9*, p. 410; see also *ibid.* 1391-6, p. 684). Golafre is said to be 'now deceased', in February 1399 (*ibid.* 1396-9, p. 508).

et quando sibi placeret'. That Richard intended to free himself from the need of frequently summoning parliament is proved by his obtaining a grant of the subsidy on wool, wool-fells, and leather for life. That he intended to dispense with parliament altogether by means of the committee is not proven. And it is of some importance to bear in mind that the very way in which Richard used the committee—especially his alteration of the parliament roll—was a formal recognition of the existence of parliament as part of the constitution.

These considerations suggest that the importance of the parliamentary committee of 1398 in Richard's schemes may easily be overrated. It was not necessarily a permanent or essential feature of those schemes. The clue to the essence of his plan may perhaps be found in the speech delivered by the chancellor at the opening of the Shrewsbury parliament, a speech which practically repeats what he had said at the beginning of the previous session at Westminster in September 1397. The cause of the summoning of the parliament, according to the chancellor, was 'for the honour of God, and that Holy Church should have all its liberties and franchises, and that all the lords spiritual and temporal, citizens and burgesses¹ should have and enjoy all their liberties and franchises as they had reasonably had and used them in the times of the king's noble progenitors and in his own time; also, that there should not be several rulers in the realm, but one'.² This sums up Richard's scheme quite briefly. He does not deny his subjects their liberties and franchises; they may have and enjoy them—but only 'reasonably', in accordance with established usage. Then comes the vital point—that there should not be several rulers in the realm, but one. That is a reference to the commission of 1386. That commission involved, for all practical purposes, the vesting of the king's powers in a council chosen from among the lords of parliament. The king's main concern in the years 1397–9 was probably not so much to supersede parliament as to prevent any possibility of a revival of the hated commission of 1386. His purpose was to keep power in his own hands, where by law it ought to be and where in fact it generally had been under his predecessors: he desired to have as his council a body of ministers who were there to conduct, not a number of barons who were there to control, his government. He set himself against constitutional government as that term had been understood by the baronial opposition under Gloucester's lead. Even during the so-called 'constitutional' period of the reign from 1389 to 1397, there seems to have been

¹ At Westminster in September 1397 he said 'lords spiritual and temporal and also cities, boroughs and other communities' (*Rot. Parl.* iii. 347). 'Other communities' would include the shires.

² *Ibid.* pp. 356–7.

a consistent tendency on the king's part to increase the influence of the curialist or bureaucratic element in the council. During the years 1397-9 this tendency appears to have been still stronger : Professor Baldwin is of opinion that 'the council had never before been so clearly outlined as a staff of expert men', of whom the earls of Wiltshire and Worcester, and the three knights, Bussy, Grene, and Russell, are typical.¹ This was the natural result of the king's determination 'that there should not be several rulers in the realm, but one'. It seems likely that this uncontrolled, curialist council was much more essentially important to Richard's plans in the last two years of his reign than the committee of parliament. For the curialist council was an organ of government, and therefore a permanent necessity. The parliamentary committee, on the other hand, seems to have been little more than an instrument of vengeance, and therefore quite possibly a temporary expedient. J. G. EDWARDS.

¹ *The King's Council*, pp. 132-42.

The English Monopoly of Salt in the Years 1563-71

IN the middle of the sixteenth century, although evaporation was carried on at inland brine springs and at some places on the coast, the British Isles were still largely dependent on France for their supplies of salt.¹ After the loss of Guienne, English kings strove to secure by treaty the free exportation of Gascon salt.² Two years after the battle of Pavia Wolsey insisted on large annual salt pensions, and in 1530 it was proposed that the French king and his heirs should supply England yearly for forty years with forty thousand weights of salt, an amount which presumably represented the total import.³ From 1542 to 1564 the two countries were almost constantly at war. In the same period the pressing financial needs of the French monarchs led to persistent attempts to increase the rate of the *gabelle* and to make it a national tax. It was then that it became 'un véritable impôt direct'.⁴ This centralizing policy was resisted by

¹ Camden, *Britannia* (1600), pp. 542-3; Leland, *Itinerary of England* (ed. L. T. Smith), ii. 92-4, iv. 10-11; Harrison, *Description of England*, ii. 83; *Catholicon Anglicon* (Camden Soc.), p. 317; *Discourse of the Commonweal* (ed. Lamond), pp. 42-4. For *salina* see *ante*, xxxi. 635. The medieval industry had been largely in the hands of the religious houses: see the regrants of pans, mainly to London merchants, following the dissolution in *Letters and Papers, Henry VIII*, xiv. i, nos. 403, 651, 1355; xv, no. 1032; xvi, no. 1500; xviii, no. 449; xix, nos. 25, 57, 123, 443, 597, 1081, 1383.

² Rogers, *Six Centuries of Work and Wages*, pp. 95-6. The passage has some inaccuracies.

³ *Letters and Papers*, iv, no. 6755; v, no. 1065; viii, nos. 344, 792; xv, nos. 712, 1351; xvi, no. 180; xvii, no. 91; xx. ii, no. 96; xxi. i, no. 775; *Cal. of State Papers, Spanish, 1531-3*, no. 962. The pension was commuted in 1530 to 100,000 crowns yearly during Henry's life and 50,000 for his heirs. Payments ceased in 1532. In 1527 salt fetched 4s. 8d. a bushel in London (*Grey Friars' Chronicle* (Camden Soc.), p. 33). In the proposal three years later the commodity was to be sold at fivepence a bushel. A weigh = 40 bushels.

⁴ Clamagérans (*Histoire de l'impôt direct*, ii. 119-237) was wrong in maintaining that the system of farming the *gabelle* began only with Henry II, for as early as 1543 there was a two years' lease. Henry VIII used the fact for anti-French propaganda in Scotland (*Letters and Papers, Henry VIII*, xviii. ii. 413; *Hamilton Papers*, ii. 110). The house of Fugger negotiated for the farm in 1546, 'but the Queen would not condescend' (*Letters and Papers, Henry VIII*, xxi. i, no. 482). In 1547

the salt-producing western provinces ; twice in the period open revolts broke out.¹ The trade was thus so dislocated that England learnt to her cost what was meant by reliance on an enemy for an indispensable commodity. A list of the prices of salt for the period is to be found amongst the official papers of Elizabeth's time.² Yearly prices for both ' bay ' and white salt are given. In 1544 they were fivepence and eightpence respectively ; in 1562 they had risen to a shilling and eighteenpence. The marked rise cannot be attributed solely to Henry VIII's debasement of the currency, for the prices of the worst years of depreciation (1550-1) represented a rise of barely 50 per cent., and, further, the highest prices came after the recoinage. Nor can the influx of bullion account for more than a fraction of it. To Cecil, at any rate, the effect of this influx was unknown. If, as seems likely, he had perused the list, which may even have been drawn up for his use, he must have attributed the dearness and scarcity of salt wholly to dependence on France.

In March 1563 he wrote to a German, Jasper Seler, asking him to repair to England, where the queen's licence to manufacture white salt had been procured for him.³ Seler was no stranger to the country ; he had been responsible for refining the base coin three years earlier.⁴ Letters patent in his favour were not issued until the following January. Along with the actual patent in the State Papers is a curious document headed, ' The Articles of the Indenture '.⁵ It is clear from the form and wording of the patent that the ' Articles ' were a preliminary draft prepared by Cecil for Seler's acceptance. Many of the clauses appear with inconsiderable changes in the patent. For instance, the patentee was to be made a denizen ; he and his deputies might set up the feat and trade of making white salt at any places approved by the queen and council. All local authorities were to assist in maintaining the privilege. The proposed term of twenty years was adopted. Other clauses, however, do not appear in the patent or do so only in very different form. In the ' Articles ' the patentee was to set up the feat by the next

a ten-year lease was sold and renewed a decade later at 400,000 crowns per annum (*Cal. of State Papers, Venetian, 1556-7*, no. 818 ; *Unfinished Chapters in Fynes Moryson's Itinerary, Shakespeare's Europe* (ed. Hughes), pp. 172-3).

¹ For the revolt of 1543 see *Letters and Papers, Henry VIII*, xvii. 400 ; xviii. 29. It was reported that the tax was so exorbitant ' that it will be to the ruin of the people ' (*Cal. of State Papers, Spanish, 1542-3*, pp. 369-71). For that of 1549 see Gigon, *La révolte de la gabelle en Guienne*.

² State Papers, Dom., Elizabeth, xxvi, fo. 30.

³ *Ibid.* xxviii, fo. 5.

⁴ *Ibid.* xiv, fo. 55.

⁵ *Ibid.* xxxiii, fos. 5, 5 a. In the ' Articles ' imitators were to suffer a year's imprisonment and forfeit a sum (not determined) to be divided equally between Crown and patentee. The penalty was reduced to defacing of their works. Compare *Hist. MSS. Comm., Salisbury Papers*, i. 162-5.

midsummer on pain of forfeiture ; on like pain he was required ' to make soe greate masse of the said salt as shall serve not onlie the Queen's realmes, domynions and subiectes but also other forreyne realmes that will use it '. Furthermore, ' the Queene's Ma^{tie} shall have the Xthe parte of all the said salte to be made to be delyvered into the shipp fre of all charge ', and shall have ' all the residue of the saide salt soo made yearlie sould unto her for vii^d every bushell made, water measure, to be delyvered at the sea syde wheare it shall fortune to be made fre of all chardge '. Then follow clauses providing for the due payment of such pre-empted salt by the Crown, each carefully qualified in case ' it shall fortune the money hereafter to be decayed '. Even Cecil, then, was not unwilling to contemplate the possibility of a debasement of the new currency.

These proposed financial clauses throw an interesting light on the ideas of the government. Besides a full tenth as royalty the patentee was to sell the rest to the Crown at sevenpence a bushel. Cecil well knew that white salt (and the patent laid down emphatically that the product was to be white) fetched eighteenpence a bushel. If forty thousand weighs be taken as the lowest estimate of the total yearly consumption for England alone, the right would produce roughly an annual revenue equivalent to a parliamentary grant of two tenths and two fifteenths.¹ In addition the patent provided for Ireland, the Channel Isles, and ' ouer towne of Callyce when the same shall be restoryd to us '. It is true that for the first three years while the industry was being started, the queen was prepared to relinquish the tenth and the right of pre-emption in favour of twopence on every bushel made ; thereafter, both rights were to be exercised. It is clear that this national salt industry was to be the basis of a productive *gabelle*.² More important is the wider question whether it was Cecil's policy to raise adequate revenue by this slipshod devolution of central authority ? A careful study of the Acts of the Privy Council of the reign shows clearly enough that when confronted by such vexed problems as the enclosure movement, to mention no others, the council was anxious to shift responsibility and direction to the shoulders of men with local and particular interests. Tudor government was not in essence centralized government, for the pressing

¹ *Letters and Papers, Henry VIII*, iv, no. 6755. By 1575 the price had more than trebled (*Acts of the Privy Council, 1575-7*, p. 88 ; Lansdowne MS. xxi, fo. 43 ; lii, fo. 23).

² Barbaro, a Venetian traveller to England in 1551, was surprised to find that salt was not taxed (*Cal. of State Papers, Venetian, 1534-54*, no. 703, p. 355). Venice had long had its city salt monopoly (Hakluyt, *Principal Navigations*, v. 93). Fortescue had predicted that from a *gabelle* the English king would have ' but as had the man that shered his hogge muche crye and little woll ' (*Governance of England* (ed. Plummer), p. 131). See Smith, *Wealth of Nations* (ed. Cannan), ii. 357.

social and economic questions which emerged found the council not only without solutions but unwilling to grapple with them directly, eager to delegate authority to whoever seemed likely to accept it. It is in accordance with this that even in matters of finance, in which Cecil was indispensable, his earliest solution involved an undisguised devolution of authority.

Other articles are equally instructive. None of the patentee's salt shall be sold to the French king or any of his officials: the product shall be one-tenth cheaper than any refined in the Low Countries. Finally, Seler

by all convenient wayes after the course and aide of merchants shall practise to bring the trade yearlie [of the Eastland] merchants and inhabitants, with their hulks, shippes and vesselles in fetchinge of baye salte, hether into the realme of Englande and other the Queene's domynions to fetche and cary awaye the saide white salte.

In other words, a blow was to be struck at the king of France by diverting to England the long-standing trade of the Hanseatic League in French salt.¹ Save for the last clause the continuance of the privilege was to depend on the rigid performance of all the 'Articles'.

The letters patent are so different that we are forced to conclude that Seler himself whittled down the conditions before accepting them. Most significant of the changes was that the right of pre-emption should not be exercised concurrently with the taking of the royal tenth. The choice rested with the Crown; moreover, if the pre-emptive right was preferred, the price was fixed at eightpence, not sevenpence, a bushel. There was no stipulated time limit by which the feat was to be set up (though apparently the inventor promised to begin by midsummer); nor any mention of a charge on output for the first three years.² All the proposed easy forfeitures have vanished. For these concessions Cecil gained little. One important idea, completely absent from the preliminary draft, appears—the possibility that the ingenious foreigner might teach the art to the backward English. It seems most likely that the suggestion came from Seler.³

Seler, assisted by a naturalized Fleming, Francis Berty, and a Florentine, Thomas Baroncelli, made an attempt to start the

¹ See also 8 Elizabeth, c. 22. State Papers, Dom., Elizabeth, lxxxviii, fo. 22, contains the proposal of John Johnson for establishing a mart town in Essex to divert thither the north-European salt trade.

² *Ibid.* xxxiii, fo. 51.

³ How readily Cecil took up the suggestion may be gauged from 8 Elizabeth, c. 22. Possibly it was the price paid for the abandonment of the extreme financial clauses. Cf. Hulme in *Law Quarterly Review*, xvi. 44: 'Unlike the continental system, however, the Elizabethan monopolies are broadly based on considerations of the value of the industry to the realm.'

industry.¹ On paper the combination was promising. The German speculator was probably in touch with the established industry at the north German brine springs. In the Netherlands there was already a refining industry on a large scale.² Florence was the seat of an old-established industry where, no doubt, the technical processes had been highly developed.³ According to a Florentine manuscript, the privilege was in Baroncelli's name, and the art was that of refining and bleaching as practised at Florence. The practical difficulties of establishing the industry in these islands, with a climate so unsuitable for natural evaporation, were immense. What local production there was depended almost entirely on fuel. The long continuance of small-scale evaporation at places favoured by peculiar types of coast or where brine springs existed, had gone far to deplete neighbouring timber supplies. By the sixteenth century the local scarcity of wood, apparently, was only less widespread in England than in Scotland;⁴ and as early as the middle of the century the two regions of most extensive production in Great Britain, the Northumberland and Durham coast and the shores of the Forth, depended entirely on outcrop coal.⁵

The patentees sent over pans and instruments to be set up round Dover.⁶ Progress was slow and for some reason Berty became directly responsible for the patent.⁷ In April 1565 he wrote to Cecil from the Netherlands explaining that bad weather had held up the ship carrying extra pans to England.⁸ Seler

¹ For Berty, alias Peyto, naturalized under Edward VI, *Cal. of State Papers, Dom., Mary*, ix, no. 28; *Cal. of State Papers, Foreign, 1547-53*, pp. 70-1. For Baroncelli, *ibid.*, 1564-5, nos. 954, 1064, 1791.

² Hubert Hall, *Customs Revenue of England*, ii. 239-42. In a list of commodities imported from the Low Countries in 1563 salt is included as a necessary. Its import was prohibited in the same year (*Acts of the Privy Council, 1558-70*, p. 159).

³ E. Staley, *Guilds of Florence*, pp. 401-13, gives an account of the city salt monopoly.

⁴ Hume Brown, *Scotland in the Time of Queen Mary*, p. 8. The local distribution of the industry was to a large extent determined by the suitability of the coast for evaporation, e. g. in the marshes round Venice, in the Papal States, the semi-lagoon coast near La Rochelle, the Solway Firth, the Solent, the Yarmouth, Tyne, and Forth regions. But the 'haffs' of the Baltic, with an abundant timber supply, could not overcome the low salinity.

⁵ For an explanation of the term 'sea coal' and the early relation of mining and salt-making see *Victoria County History, Durham*, ii. 293-4; Salzmann, *English Industries of the Middle Ages*, p. 2. It would appear that even in the Tyne area the use of coal in the industry was not common before the sixteenth century. In 1517 Lord Darcy 'laid out £2 to the winning of a cole field', for which two lessees were to pay annually £20, 'if the saltpannes maie goo with coles'. From that time joint leases of mines and pans are common (*Northumberland County Hist.*, i; *Bamburgh Accounts*, ix. 340 f.; *Letters and Papers, Henry VIII*, *ut supra*).

⁶ *Cal. of State Papers, Foreign, 1564-5*, no. 306.

⁷ *Ibid.*, 1566-8, no. 434. From this report of Guido Cavalcanti it is clear that the experimenters at Sluys were servants of 'Gasparo Saylor'.

⁸ *State Papers, Dom., Elizabeth*, xxxiii. 51.

had evidently made a promise to set up the feat by May; Berty now begged that his workmen might be protected from the queen's displeasure. Along with the letter two bushels of salt were sent, the one 'as brown as any baye and gros', the other white. Berty was putting out a feeler to discover whether it would not be possible to make bay salt instead of white required by the patent. 'Sir, I pray that in this matter courtesye made be shewed without rigour.' It was a matter of considerable importance, for the production of bay salt did not require fuel and cost at least a third less than that of white. In July new letters patent were issued to Berty on terms similar to the earlier grant.¹ The work was to be in progress within two months; the salt was to be 'indifferent whyte and to all comon uses and purposes as good as the beste that is refyned within the cuntrye of Flanders'. There was yet another reissue in the following January, allowing the patentee to make bay salt.² The twin licences were shortly afterwards made over to the earls of Leicester and Pembroke, Lord Cobham, Cecil, Knollis, and other co-partners, and were confirmed to them by the statute of 8 Elizabeth, c. 22. During the summer of 1566, however, Berty was still concerned with the privilege.³

Like England, the Netherlands, whose refining industry depended on Biscay salt, suffered from the partial break-down of French production. In the fifteen-sixties numerous experiments were begun there with the object of making salt from seawater. The devices sought to reduce the need of artificial fuel by assisting natural evaporation to the fullest extent. One set of experimenters used a large shallow earth pit, 'quasi una bowlinge aley', into which the water was conducted at high tide. Another, a German, employed two men to 'hoyst saylles to and from the watter as often as they drye which is seven times a day'. A Captain Buckholt at Biervliet had a mill and crane to move the brine from the pickle pans to the boiling pans.⁴ Berty himself was in touch with the first of these works, which was at Sluys. Cecil was informed of all developments by his assiduous agents, George Gilpin, John Sheres, and John Keyle, and later by Berty. When the king of Sweden, seeing in the shortage of bay salt the evil designs of Denmark, determined on an English alliance and the establishment of a national salt industry,⁵ Cecil found him a man after his own heart and encouraged both his

¹ *Ibid.* xxxvi. 93, 94.

² *Statutes of the Realm*, 8 Elizabeth, c. 22; Hulme, *Law Quarterly Review*, xii. 149.

³ *State Papers, Dom.*, Elizabeth, xl, fo. 11; *ibid.*, *Foreign*, 1564-5, fo. 1791.

⁴ *Ibid.*, 1566-8, fo. 434, contains a report and pencil sketch of the works at Sluys. See also Kervyn de Lettenhove, *Relations politiques des Pays-Bas et de l'Angleterre sous Philippe II*, iv. 298-316.

⁵ *Letters and Papers, Henry VIII*, xvii, no. 487; xviii, no. 781; xxi. i, no. 195.

fears and his endeavours. The important diplomatic mission of Keyle in the summer of 1566 seems to turn on the question of furnishing the Swedish monarch with details of salt-making devices.¹

Down to that time none of the experiments in the Netherlands had proved completely successful. The 'faire and costlie' contrivance of Buckholt ended in his being imprisoned for debt at Ghent. The one with which the English patentee was in touch met with little more success: Germans and Italians were engaged in the work. 'They rather determine to go to law', wrote Keyle, 'than to the making of salt.' On 20 July Berty sent a report. The device 'appeareth great help for sparing of fyre'; the leading inventor, a German, would not permit him to see the end of the work; though Berty persuaded himself he knew all about it, only he was not 'fullye persuaded of the continuance of the quantytte'.² The letter concluded with expressions of interest in the work that had begun in England and assurances of diligence in investigation and report. To all appearance this closes Berty's connexion with the patent. His later participation in English affairs appears to have been far less honourable.³ One aspect of these experiments in Flanders merits further comment. It is clear that the prospects of a fruitful union of Italian and German processes were blighted by the lack of cheap borrowed capital. The high rate of interest, the result of the diversion of commercial capital to political loans, ruined the possibilities of extensive industrial experiments. Alva's arrival a year later put an end to a period of intense industrial activity, and with it the remarkable prosperity which had long bewildered Englishmen.

The failure to devise a cheap method of production speedily reacted on the English patent. As yet the established works were on a small scale. Strype's *Life of Archbishop Parker* affords evidence of the way in which the interested 'lords' attempted to solve the problem of fuel: 'Now because these works would require much firing, the aforesaid Earl [of Pembroke] sent his secretary and Cecil his servant Mount to the Archbishop desiring him out of his woods to supply them with wood and to use their influence with others in Kent for the buying of more.' The archbishop liberally complied, though he expressed some doubt of the success of the project. He took occasion to inform Cecil of the danger of cutting down woods and planting many strangers

¹ *Cal. of State Papers, Foreign, 1556-8*, nos. 420, 566: 'We must nedes remember you soe to procede in your agrement and bargaine with his Majestye that in the finding of this last easye waye of makinge salte wee ar more burdened than we were before.'

² *Ibid.* no. 582; Kervyn, iv. 307-16.

³ He was implicated in the 1570 plot and cast into the Tower (*Hist. MSS. Comm., Salisbury Papers*, i. 483, 550; ii. 110; *Cal. of State Papers, Dom.*, lxxxv, no. 55).

about the sea coasts, and hoped, if the project succeeded, the queen of her princely liberality and the lords, 'the gainers', would devote part of their gain towards repairing Dover pier. 'That would redound more to the great honour and wealth of the land than mere salt-making would do.'¹ In fairness to Cecil and his colleagues it must be admitted that their concern both in works at home and in foreign experiments proves a strong desire to start an industry. None the less a permanent national industry could not be founded on sanguine hopes of the philanthropy either of foreign speculators or of native archbishops.

Mount, Cecil's secretary and manager of the works, gave ample proof of his devotion. Writing to his master from the Southampton works in June 1566, he regretted his inability to attend there personally, seeing that the workmen were not skilful. The bearer of the letter was to proceed to Suffolk with instructions, plans of furnaces, and pans for the works there.² In November the following was sent from Combe: ³

I have been in the northe contrye in Northumberland at a village called Blithe being xv or xvi miles beyonde Newcastell. . . . At Blithe I have sette aworke for ij salte pannes, and x pickell pannes at the Shields, halfe a mile from Ser Henrye Persyes. I meane to sett a worke j salt panne and v pickell pannes more; yf all the works that I have sette up this year stooode there I cowld utter the salte verye well for there liethe shippes all wayes waytinge for salt and ther commethe marchantes which dothe geve c ponde before hande to them that make the salt which are but haglayers. Ther, willbe the beste makinge of salt by the means that cules be goode chepe. I am about to take a cole pitte by lese and there is verye goode vente iff I cowld make hast; and I doo appointe to be at worke there bye Marche for I may worke winter and sommer and soe they doe there. . . . There is a verye poore contrye and a rude and iij salte pannes will rise there to a more greater gaynes then in anye other place I have fonde yet.

Mount had made a discovery as important as any which could have come from the Netherlands. Here was a region where the connected problems of fuel and capital had been solved. Here there were real possibilities of large-scale production. If the lords had not sufficient capital of their own would not merchants be willing to give £100 beforehand to them? Five years later

¹ i. 408-9. This contains the only reference that implies that the queen had a direct interest in the patent. It seems not unlikely that the addition was merely to give weight to the letter.

² State Papers, Dom., Elizabeth, xl, fo. 11. Referring to a man he proposed to train in the work for the next year he was careful to add, 'I must not have him slout but to followe his busynes or els he is noe man for my companie for you know I have charge'. The appended plans of furnaces are not impressive.

³ *Ibid.* xli. fo. 13. The letter concludes: 'I was at burleye mye mistres your mother was sumwhat acrase . . . Mrs Cecill and her sonne is merye, she would faine have her husband come home a daye or two.' Cf. *Dict. of Nat. Biog.*

a Walloon desirous of taking over the salt patent supplied a sufficient answer: 'for that merchantes doe not willinglye joyn with nobles and other great personages avoidinge wisely theire inequalitye I cannot undertake to furnishe by merchants anie stocke of moneye towards those grete works.'¹ Here is one explanation of the early failure of the first salt patent.

Mount's glowing account of his transactions in the north did not, as we should have expected, arouse the enthusiasm and receive the support of the lords. Some pans appear to have been shipped from Portsmouth and lodged in Tynemouth Castle; they were never set up and lay rusting there for the next twenty years.² (In 1575 the council considered the advisability of sending these pans and a salter to Ireland.³) In the February of 1567 Mount was superseded; his successor, Edward Goodinge, sent in reports from the works in Essex and the south-eastern shires, but none came from the north country and none were enthusiastic.⁴

Mount's letter must have reached the secretary by the end of November 1566. Perhaps it had no immediate relation to the Bill, first tabled on 14 December and passed a day before Christmas, which confirmed the patent to the leading members of the privy council. The Act begins by showing that foreign salt costs 'great soomes of money to th'empoverishment of this Realm by wasting and conveying of the treasure and coyne . . . into forrein parteis and to th'exercise of the people and subjectes of forrein realmes and in tymes of hostilytye and warre to the great and excessyve pryces and dearthe of the same'. The object of the privilege is to remedy this state of affairs, as well as to encourage the setting up of 'newe and verry cheape feats and trades . . . very commodious and profitable to the commonwealth'. Sundry works, it declares, have already been set up at great charge. The product is cheap and good: for seasoning white meats, better than any salt made in the country and as good as the best refined in Flanders; for flesh, better than bay, for fish as good as refined;

and in everye case aforesaid will serve with less quantitye then the other saltes afore mencioned. For all which respects and to th'intent that the sayd previledge may take due effecte, be it ordained and enacted . . . that

¹ State Papers, Dom., Elizabeth, lxxxiii, fo. 13.

² *Cal. of State Papers, Dom., Addenda, 1580-1625*, no. 171. Bowes, a man connected with the Wilkes monopoly, wanted to buy them to repair other pans. He writes: 'In 5 and 6 Elizabeth sundry pans of iron were devised by the advice of some strangers which being made at her majesty's charge were to have been set up at Portsmouth but were afterwards carried to Tynemouth their insufficiency to make good salt being apparent.'

³ *Cal. of State Papers, Ireland*, li, no. 24.

⁴ State Papers, Dom., xliii, fo. 1.

no maner of persone whatsoever other than such as by conveyance, graunt, or assignment (by the said lords or any of their deputies) shall attempt, presume or go aboute any maner of waye, dyrectly or indyrectly, within any of the saide realmes . . . to practise, use or exercise the same or any other new feates or trades of making of white or baye saltes without the licence . . . of the saide erles and their copartners . . . upon pain of imprisonment by the space of one year without bayle or mainprise . . . and forfeiture of £100 for every tyme that such attempt be had.

The prohibition of 'any other new feates' can scarcely have been a purposeless piece of legal embroidery; but a modern writer ventures to call the Act 'perfectly satisfactory according to modern ideas'.¹ This is accounted for by two appended provisos. No restriction was to be laid by either the Act or the letters patent on makers by old processes with works already established, nor were they to 'restrayne anye persone . . . to bring from foreigne parteys . . . into the saide realmes . . . any salte whereby the more plentye of salt within the sayde realmes may be had and better cheap'. This last proviso is quite inconsistent with the preamble and main trend of the Act. The most probable explanation of the two provisos is that they were the outcome of parliamentary criticism; for, of the other Bills confirming grants of monopoly introduced during the session, those of the Merchant Adventurers and the Mines Royal were rejected, while the Alum and the Bristol Adventurers' Bills were passed with modifications.² Thereafter, parliament was steadily hostile to monopolies.

The lords could not make their works profitable and by the following August they attempted to sell their interest. Their prospectus did not fail to point out that the privilege was ratified by parliament.³ For some time previous Goodinge had been busy collecting all sums due from Mount, reporting the number of existing houses, pans, and the quantity of unsold salt.⁴ The company chose as its prospective buyer 'the lorde of Buckholt', apparently the man who had been engaged in experiments at Biervliet. In 1565 Buckholt had applied for a patent to make 'salt upon salt', without prejudice to Berty's grant, but his proposals made no provision for the financial interests of the Crown and no patent was granted.⁵ In a list of articles prepared for delivery to his factor, 'Van Trère', we find the conditions of the complete transference of the privilege. Briefly they were as follows: The established houses and vessels were to be bought

¹ Cunningham, *Growth of English Industry and Commerce*, *Modern Times*, p. 77.

² State Papers, Dom., xli, fos. 42, 44; *Lords' Journals*, i. 663-4; *Commons Journals*, i. 75-81. An Act of Edward VI limiting the importation of French wine was repealed.

³ State Papers, Dom., xliii, fo. 38.

⁴ *Ibid.* xliii, fo. 1.

⁵ *Ibid.* xxxvi, fo. 44: the suit was presented by Gilpin.

for £4,500, to be paid to the lords and their partners out of the first lot of salt produced. From the next sale a sum of £16,000 was to be paid; after that, half the annual profits were to go to the lords, the rest to Buckholt, who throughout was to be wholly responsible for the payment of the royal tenth. He was to inform the lords of the quantity of salt made, and of all sales; to give sufficient securities of the 'Bursse of Andwarpe' for the due payment of the queen's tenth and the lords' dividends. By 1569 enough houses and pans were to be erected to supply all England; by 1570 to supply Ireland too. But the non-fulfilment of this clause was not associated with the possibility of forfeiture. These proposals evidently reflect the same type of policy as that of the 'Articles of the Indenture' and the Act of Parliament. There are, however, two facts which prove that Buckholt never accepted them. First, the amount of the Antwerp securities remained a blank; second, we find him, four years later, applying to take over this same licence.

From 1567 to November 1571 not a single reference bearing on the patent has been found. That the connexion of the lords persisted is clear from negotiations which took place at the latter date. We learn, too, that they had ceased to produce salt.¹ It would seem they had discovered a new and more profitable field for their activities, to which we must now turn.

From the reports of Goodinge we find that Peter Osborne and William Wightman were diligently informing him of sums due from Mount. They were the co-partners mentioned in the late Act and in the Buckholt articles. Both were leading London merchants. It may be supposed, first, that they were aware that Northumberland salt had already reached the London market and, accordingly, that Mount's hopes were not ill-founded; and, secondly, that they possessed, or from their commercial standing could have secured, more capital than the £4,500 alleged to have been spent on the works.² In 1571 we find Osborne exercising a most powerful control over the privilege in his dealings with speculators on behalf of the company.³ The control was such that it could not have been built up in a day. As to the time when his influence first began to be felt we can only surmise. Mount's dismissal and the subsequent failure to concentrate the work in Northumberland may have

¹ State Papers, Dom., lxxxiii, fos. 13, 16, 21, 22; *Historical MSS. Comm.*, *Salisbury Papers*, xiii. 88-98.

² As early as 1534 salt from Blyth and the Shields reached Yarmouth and London (*Northumberland County Hist.* ix. 350-2). From 1552 to 1554 Osborne had played a large part in high finance, getting in debts for payment to Gresham (*Acts of the Privy Council*, 1552-4, pp. 27-8, 31, 64, 89, 94-6, &c.; *ibid.*, 1558-70, pp. 325, 384, 395; *State Papers, Dom.*, Elizabeth, xiv, fo. 57; xviii, fo. 18; xlvii, fo. 58).

³ *Ibid.* lxxxiii, fos. 13, 16, 21, 22.

been partly due to the lords' lack of money; but it seems not improbable that these merchants were directly interested in the European salt trade, and so looked askance at the establishment of a considerable home industry, associated as it was originally with the exclusion of foreign salt. There is evidence that Osborne, at least, was engaged in the Portuguese trade and deeply interested in Iceland fishing voyages; he would naturally desire cheap supplies of salt.¹

In 1568 the third religious war broke out in France. Opposition to the Crown centred in La Rochelle and the salt-producing western provinces. The Huguenot leaders saw that in salt they possessed control over a large part of the monarch's financial resources, and they determined to make it serve their own war needs. In every considerable war from 1568 to 1593 they seized the supply and used it to bargain for money or munitions with Elizabeth or the Italian cities.² More than once in this period the French king was obliged to send to Spain and Portugal to obtain salt for the needs of the *gabelle*.³

There arrived in London, in October 1568, a merchant, Arnold à Cavaignes, proctor for Condé, the cardinal of Castile, Coligny, the comte de La Rochefoucauld, and the mayor and burgesses of La Rochelle.⁴ He concluded a contract with the English government 'for the sale of so much salt of La Rochelle and other neighbouring salt pits, that is to say, of L'Isle de Reye, Olléron, Brouiage and Marennes and wine of La Rochelle, Condé and Saintonge as would amount to the sum of £20,000 and for the due delivery of the same by the end of February next'. Peter Osborne, William Whiteman, Smith, Allen, Culverwell, citizens and merchants of London, were made the English contracting agents. Writs of aid were issued to them to secure storage-room for the salt in all the ports from Milford to Hull.⁵ The task of arranging further details of the contract fell to Osborne. In December he required of Cecil an additional clause to save the merchant-contractors from possible losses on dead freight, for there was a grave danger that royal forces might seize the valuable

¹ *Acts of the Privy Council, 1558-70*, p. 395; 1570-5, p. 364; 1575-7, pp. 11, 25.

² *Historical MSS. Comm., Salisbury Papers*, i. 371, 388; *Cal. of State Papers, Foreign, 1575-7*, nos. 436, 1130; 1577-8, nos. 135-6; *ibid., Venetian, 1558-80*, nos. 467, 674, 683, 685; 1581-91, nos. 519, 539.

³ In 1575 a cargo valued at £20,000 fell to the English vice-admiral, Champernon; the dispute as to compensation dragged on for ten years (*Acts of the Privy Council, 1575-7*, pp. 88, 217, 237; *Cal. of State Papers, Dom., Add., 1566-79*, xxv, nos. 56-7; *ibid., Foreign, 1585-6*, pp. 455-6; *ibid., Venetian, 1592-1603*, no. 795).

⁴ *State Papers, Dom.*, xlviii, fo. 2.

⁵ *Historical MSS. Comm., Salisbury Papers*, xiii. 88-98. A document in *Salisbury Papers*, iii. 462, headed, 'Memorial for the salt matter at Burwage', and queried 1589, belongs most certainly to 1568-9; the details of the proposals coincide with others of certified date.

stock before all of it could be transhipped.¹ Obviously the services of all available shipping were urgently needed. But could not the contracting merchants be trusted to recruit the necessary assistance? A particular group of Elizabethan councillors saw fit to give directions. In the Salisbury Papers there is preserved a letter from the lord keeper, the earl of Leicester, Secretary Cecil, and Sir William Mildmay, addressed to Osborne, Smith, and Allen, 'requiring them to send into the Low Countries or otherwise eastward to hire 24 hulks to bring salt from Burwage, Alrond and Saint Martins . . . to England and to send Culverwell to load it and persons to find stowage for it in England'.² The letter was not an order of the privy council. We know that Leicester, the lord keeper, and Cecil were partners in the salt privilege. The letter suggests, therefore, that these men in some understood capacity, other than that of privy councillors, were particularly interested in the transaction with the Huguenot leaders. Slender as the evidence is, when taken together with the complete absence of any reference to the salt patent throughout the years 1568 to 1570 and with the proofs of a still existing connexion in the following year, it renders plausible the view that in those years the monopolization of French salt fell actually to the 'Lords of the Salt Privilege'.

Early in January 1569 Osborne wrote to Cecil suggesting that certain hulks coming out of Spain and bound for the Netherlands should be 'laid for'. Their value would in great part counterbalance the expense for the delay and the hulks themselves would serve the purpose for salt.³ Foreign agents were soon able to report that a naval enterprise was on foot to assist the French rebels.⁴ Royal ships were speedily dispatched, some of which were employed in transporting the stock. In spite of Huguenot defeats it would seem that there was a similar contract for the production of the next summer. A document bearing the date 15 July 1569, underwritten 'The new offer for the Contract of Rochelle', contains the merchants' proposals.⁵ Four of the nine clauses make detailed provision for payment to the Crown: in addition the merchants undertook to bear the whole charge of freightage and the victualing of royal ships employed; to bear the 'adventer of the saide salte and wyne'. They required her majesty to bear all dead freight 'which the cause there shall not be able to delyver'; that no salt come into London until the first shipment is sold;

¹ *Hist. MSS. Comm., Salisbury Papers*, i. 381.

² *Ibid.* xiii. 91. Allen was the 'Queen's merchant' (*Acts of the Privy Council, 1558-70*, p. 395).

³ *Salisbury Papers*, i. 389.

⁴ *Cal. of State Papers, Venetian, 1558-80*, nos. 448, 476; *Cal. of State Papers, Spanish, 1568-79*, nos. 60, 62, 64, 123, 137-41.

⁵ Lansdowne MS. xxi, fo. 97.

'the contynuanee of the commissyon of the contractors whiche they meane to use with all dyscretynon and without offence.' Further evidence of these transactions has not been found.¹

With peace in France it was no longer possible for Elizabeth's court to monopolize Huguenot salt, and a lively interest again centred in the patent. In November 1571 various speculators came forward desirous of co-operating with the lords or alternatively of obtaining a new licence. The only one whose proposals have been preserved was a Walloon refugee, Francis Franckard.² His suit was first put forward by Herlle, a typical Elizabethan product combining in a delightful fashion trade, public service, and private affairs.³ The refugee was a poor man, but Herlle asserted emphatically that he had the science of making salt. Peter Osborne himself, with whom he dealt a few days later, paid striking testimony to his sincerity. Originally two offers were submitted. The first involved a reissue of the licence to the lords and Franckard conjointly. He required that losses on former works should not enter into the accounts of the new undertaking. The expense of setting up, the cost of working, and the profits were to be shared equally. Since 'marchauntes are hardlye trayned to dysburse moneye amonge souche grete companyons wher they bee not masters of the whole themselves', the lords would need to secure the capital for which the inventor would stand. 'Seeing a certayne resolutione in their honours and the companye not to dysburse willinglye anie more moneye therein', the Walloon expected this offer to receive scant consideration. The alternative proposal was to have a new privilege granted wholly in his name and in those of the merchants who would assist him. He offered to make a frank proof of the invention and then, entirely at the cost of the new company, to erect, by March 1573, a hundred furnaces with a vessel each, promising to have doubled the number by the next year and by 1575 to have set up enough to serve both realms. In addition to the royal tenth he agreed to pay the lords twelvecence a day on every pan, Sundays and weekdays, throughout the year. Herlle added that he had already spoken with wealthy Netherlands merchants about providing the necessary capital, and that the product would be as cheap as might be desired.

The offer was considered by Osborne, Wightman, Cavalcanti, and Goodinge. Three days later Osborne sent a report to Cecil.⁴ He gave figures of the profits arising from the allowance on the pans for the first, second, and third years. Doubtless the final

¹ *Salisbury Papers*, xiii. 93, contains a single reference to money from the sale of Huguenot salt.

² *State Papers, Dom.*, lxxxiii, fos. 12, 13, 16, 21, 22. Save perhaps one in Lansdowne MS. lii, fo. 23.

³ Lansdowne MS. xxi, fo. 23.

⁴ *State Papers, Dom.*, lxxxiii, fo. 21.

sum seemed small enough to be divided among men grown accustomed lately to bigger hauls, smaller still to Osborne who knew who would claim the first draw. 'Howbeit', he added, 'we that have consideration of their Lordshippes' proffyte refuse to deal with him upon the panes and seake to have their Lordshippes allowed upon everye bushell made, a porcon to th'entent their Lordshippes maye have theire gaine certaine.' A week later, Franckard went to Osborne's house in Ivy Lane with a new proposal. It did not offer an allowance on output as we would have expected; it was not an offer to make salt at all, but to refine it. The Walloon and his friends, after a preliminary demonstration, undertook to supply the requisite capital for twelve houses and pans. The 'lords' and their partners were to share running costs, fuel, and wages, and in return to have a third of the product clear gain. There was to be a weekly reckoning and sharing of profits.¹ This offer was not accepted.

The most probable explanation of this episode is to be found in the fact that Franckard had gained a deeper knowledge of the interests of the merchants connected with the privilege. We may imagine him thinking that although these men, being interested in the European salt trade, were not in favour of an extensive home industry, they might favour a small-scale, skilled, refining industry, protected by a patent and an Act of Parliament. The Netherlands refining industry had collapsed, French salt was brown and coarse. There was undoubtedly a demand for a finer quality, and these merchants might well countenance a scheme for refining part of the salt they imported. Doubtless there were difficulties which led to the rejection of this offer, financial difficulties in the first instance, and others bound up with the exact relation of the merchants to the lords, which the refugee failed to perceive. None the less the final decision rested with Burleigh. It would seem from the protracted negotiations that Franckard had rekindled the secretary's hopes of an established industry.

To understand the full significance of the rejection of these offers it is essential to consider the effect of the collapse of production in France and the Netherlands which had occurred since 1566, for Burleigh was acquainted with the real situation.²

Forasmuch as salt uppon salte and the baye salte hathe of late bene and presentlie yett is sold for vs. and vs. iiiid. the bushell and yett there is no likelihooode that the realme can be served of the commoditye at moche lower pryce, soe longe as the saliens of saint Mertyns and Burwady are in decaye, and that there is not the like quantitie of salte made there as heretofore hath bene, we of England and other cuntryes shalbe enforced to make oure provysione from Spayne and Portingale, and other places more farther off as the onlie fraight of the tonne is fyve marks or eleven

State Papers, Dom., lxxxiii, fo. 22.

² Lansdowne MS. lii, fo. 23.

nobles at the least which is *xxd.* or *xxxiijd.* fraight the onlie bushell, besydes the whiche the salte coste in the fyrst penny and the merchants profytt; by which rason it is evydenste that we are not likeliye to have the realme served under the pryce of *iiiiis.* or *v* shillings the bushell.

Moreover, from 1570 onwards Spain appeared a far more dangerous enemy than France had ever been. The Act of 1566 had mentioned the dangers of allowing bullion to be drained from the country and the enormous rise in price accelerated the process. It was under these conditions that Franckard was turned away by Osborne, and the secretary did nothing to save him. If it was Osborne who in like manner got rid of Mount, and if he had a hand in introducing the free-trade clause in the Act of 1566, it would appear that an established merchant interest had successfully resisted economic statesmanship where it cut across private trade. He is not known to have protested against the Huguenot contract, though he cannot have failed to see how threatening it was to the existing works. The ready acquiescence of the secretary suggests some general considerations on the part played by the state in the expansion of industry at this time.

The high prices resulting from continental dislocation offered unique chances for starting the salt industry at home. The boom witnessed a very marked increase of independent production round the Tyne and the Forth, and even on the coalless Yarmouth coast. It was the extent of this new trade which suggested the monopoly of salt granted to Wilkes in 1585 and which, four years later, was responsible for the rejection, in the interests of native producers, of a German invention.¹ Just as quickly was the increase reflected in an intense commercial rivalry between the Tyne and Forth districts, a rivalry which had serious consequences for the next century and a half.² Equally important is the fact that much of the increase was permanent; British-made salt came to serve not only all the eastern and south-eastern counties but markets overseas in Holland and the Baltic.³ The

¹ State Papers, Dom., ccxxiv, fo. 50.

² *Ibid.* cxlvi, fo. 39.

³ From the *Exchequer Rolls of Scotland* the writer has been able to prepare a table of the customs derived from exported salt. The duty was two shillings per chaldron. For the years 1550-60 the total amounted to only £17 17s. 6d.; for the next ten years £85, the bulk of which was accounted for in the last three years. By 1570 the duty at all the ports had been doubled, a sure sign of the new importance of the trade. The decade 1570-80 yielded £1,195. When it is remembered that from 1573 there were repeated Acts of Parliament and council orders entirely prohibiting the export in the interests of the home consumers, that the customs paid were taken by a needy government in spite of its own orders, and that much smuggling was admitted by the officials everywhere, it becomes clear that the customs increase was but a very modest index of the real volume of the export trade. The prohibitory Acts operated heavily against Edinburgh. In the sixties it had accounted for most of the customs; in the next decade it was outstripped by both 'Newhaven de Prestoun' and Culross. It seems not improbable that the falling off of the Edinburgh returns was responsible for the practice of farming the customs which began in 1582, and which makes impossible a continued comparison of returns (*Exchequer Rolls of Scotland*, vols. xviii-

expansion of the British industry in the later Tudor age cannot be doubted, but its origin is to be sought in the collapse of continental production, not in any economic policy of Elizabeth's ministers.

From the financial point of view the government showed no greater insight than from the industrial. We have seen that the chief motive underlying the patent was fiscal. Judging from the proviso of the Act of 1566 Cecil had by then half abandoned his earlier hopes of raising revenue by establishing an industry. By August 1568 he was contemplating an increase of import duties, a policy clearly not associated in his mind with a desire to protect a nascent industry, and one which Osborne hastened to inform him would be unpopular.¹ At the same time his loans on privy seals continued to fall miserably below expectations, while the court was as yet unprepared to face another parliament.² The financial situation in the last years of the decade was as grave as any he had to face. His interest in the Huguenot ventures was, doubtless, primarily fiscal; but whatever benefit he reaped was bought by the ruin of all normal trade and the loss of the old customs dues. Moreover, the imposition of increased rates in London was delayed for six years, and even then, it seems, the policy was extended only to Rye.³ In short, the Huguenot transaction is typical of Cecil's fiscal expedients. Increased revenue was secured, not through the agency of permanent state officials at the ports, but through contractors holding exceptional commissions. The anxiety shown by the merchants in the proposals of 1569 shows the inappropriateness of this method for raising adequate and permanent revenue. Further, the policy of raising revenue indirectly operated to check industrial progress and to strengthen vested interests, while the claims of such interests were made all the more powerful by the financial straits to which government was reduced. These facts enable us to appreciate the significance of the dominating position which Osborne took up when once he realized the weakness of the government.⁴

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xxiii; *Acts of Parliament for Scotland*, iii. 82, 93 (b); *Register of the Privy Council of Scotland*, ii. 264-5). See Davidson and Gray, *Scottish Staple at Veere*, pp. 88-91; *Acts and Ordinances of the Eastland Company* (Camden Soc.), p. 65. In the revised Book of Customs Rates of 1612 salt does not appear as a Scottish import (*Reg. P. C. Scotland*, ix, pp. lxix-lxxii).

¹ State Papers, Dom., xlvii, fo. 58.

² *Ante*, xxxvi. 497-520; Scott, *Joint Stock Companies*, i. 47-53.

³ *Salisbury Papers*, xiii. 122; *Rye MSS.* p. 36. It is significant that a late reference to the 'lords' suggests that the queen should staple the salt trade at divers ports and decayed havens and increase the import dues. There are corrections in Cecil's hand on the manuscript (Lansdowne MS. lii, fo. 23). It is undated; most probably it belongs to 1571.

⁴ See State Papers, Dom., cv, fo. 3. For arguments, *ibid.* lxxv, fo. 13; cxli, fo. 45. He became 'clerk of the faculties and remembrancer of the exchequer' (*ibid.* cv, fo. 34; cviii, fo. 14; *Acts of the Privy Council, 1571-5*, pp. 41, 111, 125, 167, 233, 252, 287, 300, &c.; *Letters of Eminent Literary Men* (Camden Soc.), p. 8).

*The Bishops of Durham and the Office
of Lord Lieutenant in the Seventeenth
Century*

AMONG the Mickleton and Spearman manuscripts preserved in the University Library at Durham is a volume described in the catalogue of that collection as 'miscellaneous papers and letters, mostly originals, chiefly relating to the county of Durham, several concerning the expected invasion by the Dutch fleet'.¹ A few of these letters and papers date from the early part of the seventeenth century, but the greater number belong to the first decade of the Restoration. The characterization of them as miscellaneous fits the case as far as their dates and the political events upon which they touch are concerned, but nevertheless it seems probable that they were originally brought together because they possess an interest in common. They refer with a few exceptions either to the keeping of peace and order within the palatinate or to the cognate subject of the defence of its coast-line, with the bishop of Durham acting in a particular capacity, namely, that of lord lieutenant of the county. As such, apart from the interest attaching to local details, names and so forth, the volume serves also to throw some light upon certain administrative problems of the seventeenth century, more particularly during the years immediately subsequent to 1660.

The earlier papers, bearing dates from 1618 to 1635,² belong to the episcopates of Bishops Neile and Morton. The former had been given a commission of lieutenancy for the county in November 1617,³ almost immediately upon his translation from Lincoln.⁴ The issuing of that commission was an innovation, for so far as appears at present none of his predecessors had ever been named lord lieutenant. The history of the lieutenancy in Durham during the previous century is not always easy to disentangle. The theory that the bishop enjoyed his franchise at the service of defending the border had taken shape during

¹ Mickleton 31.

² Fos. 1-6, 13, 14.

³ Pat. Roll, 15 Jas. I, pt. 3, November.

⁴ 3 October. He was enthroned 18 November.

the fourteenth century ; ¹ and under the Tudors the Crown continued to insist that his ancient privilege of arraying the forces of the county was a duty owed to itself, to be performed immediately upon receipt of the royal mandate. Thus normally he was held responsible not only for the general efficiency of the county levies but also for the defence of the Scottish border, for which latter purpose he was frequently told either to levy a specific number of men within the county to be sent to serve under whatever nobleman was commanding the general forces or to permit them to be levied.² The authorities within the bishopric invariably maintained that such levies ought not to be used otherwise than for the defence of the 'unpeopled frontiers here', but the Crown undoubtedly on occasion determined that they should be employed for general purposes.³ Whatever military functions the bishop performed, and they were many, it seems he was required to do the work as palatine bishop, and even when towards the end of the century the creation of county lieutenancies became more regular and frequent than at an earlier period, no such commission was issued to him.⁴ At the same time there were variations in practice which tended to lessen his authority. Not only under Elizabeth, and perhaps earlier, were there intervals during which commissioners of musters were appointed for the county with himself as 'primus inter pares',⁵ but also there were four occasions at least on which a lieutenant,

¹ Lapsley, *County Palatine of Durham*, p. 304.

² *Cal. of State Papers, Dom., Addenda, 1547-65*, pp. 468-9; *ibid.*, 1565-79, p. 73; Dasent, *Acts of the Privy Council*, vi. 160; *Hist. MSS. Comm., Foljambe Papers*, p. 11.

³ See the letter from Talbot MS. E, fo. 157, printed in Scott Thomson, *Lords Lieutenants in the Sixteenth Century*, p. 54.

⁴ Mr. Lapsley states that after the troubles of 1536, when Tunstall was made president of the council of the north, he also became in due course lord lieutenant of Durham. He adds that after this until the close of the eighteenth century only four bishops received commissions (p. 309). He relies upon the list of lieutenants given by Surtees (*Hist. of Durham*, I. cxlvii), but that list is not accurate. It omits, for example, not only the lieutenancies of Bishops Neile, Howson, Morton, but also, most surprisingly, that of Bishop Cosin. Tunstall heads the list as 'President of the Council and Lord Lieutenant', no date being given. He was actually president in 1530, and took the same place when the whole scheme was reorganized after 1536, while the duke of Norfolk was made the king's lieutenant in the north. The latter was withdrawn in October 1537 when Tunstall's title became lord president instead of president only. He retained the office no later than June 1538, when he was succeeded by the bishop of Llandaff (Reid, *The King's Council in the North*, pp. 148-53, and app. ii and iii). In his capacity of lord president Tunstall asked for and obtained a commission for levying men in case of need (*State Papers*, v. 336; *Letters and Papers*, xii, pt. 2, no. 1016), but there does not so far appear to be any evidence that he ever received a commission of lieutenancy, either for the county of Durham or for any other of the northern counties. According to the *Dict. of Nat. Biog.* it was as lord president that he was called upon in 1547 to defend the Scottish border, but this is an error, since the bishop of Llandaff, as archbishop of York after 1545, retained the presidency until 1550 (Reid, app. ii and iii; *Acts of the Privy Council*, ii, preface, xxv-vi).

⁵ *Cal. of State Papers, Dom., 1547-80*, p. 335.

not being the bishop, appeared in the palatinate. Each of these cases may be regarded as somewhat exceptional, and in only one of them was a separate commission issued for Durham. When Bishop Tunstall was experiencing one of his many changes of fortune in 1552 and 1553, and had been committed to the Tower, his county palatine was placed first under the lieutenancy of the earl of Westmorland¹ and then with many other counties under that of the duke of Northumberland,² who had already formulated his scheme for making the palatine bishopric into the palatine duchy.³ Again, in 1565 during Pilkington's episcopate, the earl of Bedford as lieutenant for the bishopric, Northumberland, and Westmorland exercised drastic powers in the way of levying men within the former.⁴ But it is just about this period and later that interference in the military affairs of the palatinate by the president of the council of the north becomes especially noticeable.⁵ A determining factor must always have been the personality of the bishop of the moment, and since neither Pilkington nor his successor Barnes got on particularly well with the local gentry, they were not likely to have proved themselves very efficient in organizing the levies.⁶ It was probably not until after the death of the latter in August 1587 that the fourth of the sixteenth-century lay lieutenants, the earl of Huntingdon, was actually given a commission which included the palatinate.⁷ But he had been exercising military authority there long before.⁸

The first ten years of the following reign saw equal variation in practice. The bishop as bishop seems still to have usually been regarded as responsible to the Crown for military organization.⁹ But this had exceptions. The expedient of appointing commissioners for musters was also used,¹⁰ and in February 1614/15 a lord lieutenant for the county was named in the person of the earl of Somerset,¹¹ who had the previous year been granted the lordships of Raby, Barnard Castle, and Brancepeth.¹² This was probably the first occasion, after the lieutenancy of Westmorland in 1552, on which a commission was issued for the palatinate

¹ List of lieutenants in Royal MS. 18, ch. xxiv, fos. 209 f., and *Acts of the Privy Council*, iv. 50.

² *Ibid.* p. 277.

³ State Papers, Dom., Edw. VI, xiv, no. 18; see also *Victoria County Hist., Durham*, ii. 33, 34.

⁴ Talbot MS. E, fo. 157.

⁵ The whole subject of the relation of the authority of the president to that of the bishop needs careful working out. See Lapsley, pp. 259 f., and Reid, pp. 319 f.

⁶ Gee in *Victoria County Hist., Durham*, ii. 37.

⁷ *Foljambe Papers*, p. 25.

⁸ *Ibid.*, pp. 11, 12.

⁹ *Acts of the Privy Council, 1613-14*, pp. 291, 319.

¹⁰ *Ibid.* p. 556.

¹¹ Pat. Roll, 15 Jas. I, pt. 17, no. 6.

¹² Hutchinson, *Durham*, iii, 244, 267, 313; and see *Cal. of State Papers, Dom., 1611-18*, p. 211.

alone. It seems unlikely that Somerset could have done any serious work as lieutenant during the very short interval that elapsed between his appointment and the beginning of his troubles ; and the appointment could hardly have been a popular one since the county knew of him as a destructive rather than as a useful individual. Once he had secured the lands he had immediately created great dismay by ordering extensive sales and disparking of woods and forests. The news of his disgrace gave Bishop James a chance to act, and he secured letters ordering the destruction to cease, for which he wrote with heartfelt gratitude to Secretary Winwood :

This I can assure you, that there came not more welcome newes to this Countrie since his Maiestes most happie entrance to us and preservacion, then this restraint will be. Many honest and poore people wilbe much relieved, with notice of his Maiestes royall pleasure, and will with all dutie praie for his Maiestie and his, and serve them, with true and unfeyned heartes in hope hereafter to serue a more hon^{ble} and better land-lord.¹

Two years later there came the inauguration of a new official position for the bishop, which was to continue, although with certain intervals, until well on into the eighteenth century. In the history of local administration under James, even though that administration remained and was destined yet to remain in many respects amazingly elastic and inconsequent, there is nevertheless evident a distinct tendency to define more particularly the nature of offices and the duties attaching to them. The historical and legal why and wherefore become increasingly important. This is clearly seen in the development of that typical Tudor creation, the county lieutenancies. The letters concerning them addressed to secretary and council, as well as careful notes made in such local records as the county muster-books, bear witness to the desire to clear up ambiguities, while at the same time the lists of names on the Patent Rolls of those to whom commissions were issued supply ample evidence that the lieutenant was well on his way to become, if he had not already become, a regular and permanent official, assigned as a rule, though still not invariably, to a single county only. It may perhaps be assumed that while Bishop Neile's military duties were in no way different from those of his predecessors, the recognition that he performed them as lord lieutenant rather than as palatine bishop reflects the general tendency. It is true that Bishop Montaigne, who followed Neile, was apparently never named lieutenant, but he was at Durham barely three months before he was elevated to the archbishopric of York.²

¹ State Papers, Dom., Jas. I, lxxxii, no. 119.

² 3 March 1627/8 to June 1628.

His two successors, Howson and Morton, both received commissions almost immediately after translation.¹

The even tenor of Neile's episcopate was not disturbed either by rebellion or war, so that the work involved was only that of the general superintendence of the levies. This was work enough, especially since by his own account there had been considerable neglect before; he found no trained bands within the county, while neither the numbers nor the furniture of horse and foot coming to the musters were satisfactory. He attributed all the deficiencies to the bad management of the muster-master for the county, Captain Hodson.² This man now became the subject of a typical dispute in which arguments concerning the royal prerogative, custom, and precedent were bandied about on either side. He had been sent into the county by the Crown in 1612, and a letter of thanks for admitting him had been forwarded by the council to Bishop James.³ Now, in 1619, he petitioned the council for arrears of pay and continuance of office, sending up a copy of a statement forwarded by Sir George Freville and others to the bishop of Durham, to the effect that they thought the office necessary, that Hodson had held it in Durham for eight years, and that he was efficient; but the bishop had hesitated to give a warrant for the collection of his fees not only because of the state in which the levies had been found, but also because

There is a Knight, Sr Henry Anderson, doth of late call in question By what Statute such an office ought to subsist. To whom Judge Hutton hath answered: That it receyved life from his Ma^{ties} Royall Prerogative w^{ch} the Judge hath confidently affirmed is of a higher transcendent nature then the best man of that Bench ought to meddle with.⁴

Instructions sent to lieutenants did, in fact, generally contain a clause ordering them to appoint for the county or counties under their charge a muster-master who was paid by the Crown.⁵ By the seventeenth century he was a recognized and necessary figure among the levies. Here Bishop Neile had his way, probably rather on account of the man's inefficiency than because of the doubtful legality of his position; but when in 1630 the dispute about appointing such an official broke out again Neile's successor, Howson, wrote to the council that he had inquired of his deputy lieutenants and that they had answered:

That during the tyme of their remembrance, there was never any muster M^r in that County, neither any stipend or allowance given to any for the

¹ Howson, translated from Oxford, 28 September 1623 (Commission, Pat. Roll, 4 Chas. I, pt. 15, no. 1, 13 October 1628); Morton, translated from Lichfield, June 1632 (Commission, Pat. Roll, 8 Chas. I, pt. 8, no. 13, 30 July 1632).

² State Papers, Dom., Jas. I, cxii, no. 46.

³ *Cal. of State Papers, Dom., 1611-18*, p. 114.

⁴ State Papers, Dom., Jas. I, cviii, no. 62.

⁵ Cf. *Foljambe Papers*, pp. 15, 22.

same. But because about some sixteen years since, one Thomas Hodshon who did intrude himself into that service, p^rtending to be Muster M^r (there being then no Lieutenant), the R^t hon^{ble} the now Lo. Bpp of Winchester, then of Durham and Lieutenant of that County, finding that many did repine at the said Thomas Hodshon, being a needless burthen to the Country, it pleased his Lo^p both of his hon^{ble} Care, and respect of that poore Country, not to admitt of the said Hodshon, but to give some allowance for divers yeares to some experienced souldiers to exercise the Trained Bands. . . . And if any such new officer as Muster M^r should be appointed here they do not know how any allowance would be raised for him. . . .¹

Even if Bishop Neile did not have to organize the levies for war his office was no sinecure. Apart from personal attendance at the annual musters, with the careful noting of all defects and the sending up subsequently of a detailed report to the council, all business connected with the levies throughout the year had to be submitted to him by the sheriff, deputy lieutenants, captains, and all others concerned. This necessitated not only much correspondence with the secretary and council as well as with the local authorities, but also frequent meetings held either at Auckland Castle or at some other point in the county. Such conferences were a typical part of the work of the lieutenancy, a legacy from Tudor methods of administration, which had always been to insist that the lieutenant must on every possible occasion confer with his deputies when he had them, or with the gentlemen of the county generally when they were doing the work of deputies without the title.² The sheriff, who seems nearly always to have been present at these meetings, had also to be consulted. Doubtless the major part of the active work fell upon him and the deputies, but these lieutenancy papers show the bishop, like all other lieutenants, standing out clearly as the ultimate responsible authority.³ The most detailed of his reports among the papers in the present volume is that for the year 1625,⁴ and it shows that he had evidently made good his word to amend the condition in which he had found the levies. He was able to certify to the council that having, in obedience to their letters of 10 July, taken an exact general view of all the trained forces

¹ State Papers, Dom., Chas. I, clxii, no. 1.

² Mickleton 31, fos. 3 and 4.

³ All commissions of lieutenancy placed the sheriff under the orders of the lieutenant. In Durham the shrieval authority must always have been subordinate to that of the bishop; but the tradition of the office was strong, and Bishop James at least appears to have thought of the sheriff as having equal authority over the levies with himself and to have questioned on one occasion whether the orders of the council should not have been directed to both of them. To this the council had replied, 'Forasmuch as your Lordship hath the appointing of the high sheriff of that county and do consequently contain the power of the sheriff in yourself it was thought sufficient to direct the letter to yourself' (*Acts of the Privy Council, 1613-14*, p. 120).

⁴ Mickleton 31, fo. 6.

of the county, horse and foot, he found their numbers satisfactory, and that the two experienced soldiers whom he had appointed (presumably in place of the inefficient Hodson) had trained the men so that they were well experienced in the exercise of their arms, although difficulties had occurred in keeping up with the change in military fashions.

The armes are reasonably compleat saving that some (who haue beene but newlie charged with horse and foote armes) are not yet well furnished ; and some of y^e comon corsletts of the country, hereto fore allowed of at musters, are not (as is required) according to the moderne fashion. Weh defects should before this tyme haue beene otherwise had the same for mony to haue been gotten.

The report ended with an assurance

That to our best indeauours there is not any permitted to be of y^e trayned bands, y^t is either noted or suspected of popery ; but for y^e ministring y^e oathes of supremacie and alleagiance y^e gentlemen y^e deputy lieuten^{ts} do desire some direction for y^e manner of doing hereof.

Each taking of musters was usually preceded and followed by letters from certain gentlemen of the county who had excellent reasons why they should be excused their obligations of finding man or horse, and Bishop Neile's papers are no exception to the rule.¹ He was, as in all else, the final authority for the rating of these obligations. But it is of some interest to note that when he rated the clergy in Durham for their contributions to the levies he did so as bishop, the certificates being returned to himself as lieutenant. This was in accordance with the usual (but not invariable) procedure in other dioceses ; the council requesting the archbishop of each province to ask the bishops to rate the clergy and return the certificates to the county lieutenants.²

The lot of Morton as lieutenant as well as bishop was cast in more troublous times, and he had to deal with dangers from without and with civil war within. The only two of his lieutenancy papers that survive among the Mickleton collection are echoes of the alarm and excitement felt all along the north-east coast that summer when the Dutch vessels of war were keeping up running fights with the Dunkirk privateers. In July 1635 Sir John Delavall reported to the bishop that the Dutch ship of war, the *Black Bull* of Amsterdam, had been sighted off the Durham coast.³ On the 13th of the month a Dutchman fought a Dunkirker within the harbour at Scarborough. On the 26th another

¹ Mickleton 31, fos. 1, 2, &c.

² *Ibid.* fo. 13, a copy of a letter from the council to the archbishop of York, 11 February 1618/19. Cf. State Papers, Dom., Jas. I, cxv, no. 101, archbishop of York to council.

³ *Ibid.* fo. 8.

Dutch vessel, driving a privateer before him into the harbour, landed his men.¹ On 15 and 16 August the captain of the *Black Bull*, Jan Vangalen,² repeated the process at Blythe in Bedlingtonshire, lying within the county of Northumberland but parcel of the county palatine of Durham. Sir William Carnaby sent off a letter at once to the bishop,³ and the latter sent up a full report of this 'great affront' to the council on 23 August. Vangalen shot at a French frigate within the river at Blythe until the men had been forced to seek safety by landing. He had then chased them with thirty of his men, some of whom were English, Scots, and Irish. Eleven of them, including three Englishmen and an Irishman, had been captured and examined, and information taken about them at Gateshead in the presence of the bishop; they were then sent to the jail at Durham. The bishop now enclosed all the information and papers saying that none of the men had made any assault except the Irishman, who had taken a Dunkirker's clothes and pawned them. He asked what was to be done with the prisoners.⁴ The reply from the council was that at the next jail-delivery the Englishmen and the Irishman were to be proceeded against to execution, but Justice Hutton, now chancellor of the diocese, who had upheld the royal prerogative in the matter of the muster-master, now showed himself equally determined to uphold the common law. When the bishop informed him of the council's decision he ('although zealous to give his majesty satisfaction') said that as the men had committed no murder, nor felony, but only made entry on his majesty's land, the common law would not permit judgement to death. Further, he forbore to have them arraigned as he held that the case really belonged to the court of admiralty. The bishop was far from pleased and told Secretary Coke as much.

The sum of his speech I have herein enclosed. As yet they continue in prison to the great charge of this county. Sir, you know the worthiness of our oracle the judge, and will convey to His Majesty this his cautelous proceeding, or rather not proceeding, with a dexterous relation.⁵

Morton's great successor would have to pay far more serious attention to the defence of the east coast, but for Morton himself there was other work ahead. There are no papers in this volume to supplement the other records of his military activities when

¹ Gardiner, *Hist. of England*, vii. 389.

² This may well be the celebrated Jan van Galen, but definite evidence for the identification must be sought in Dutch authorities.

³ Mickleton 31, fo. 10.

⁴ The letter is among the Coke manuscripts in *Hist. MSS. Comm., Cowper Papers*, ii, p. 89.

⁵ *Ibid.* p. 113.

once the country was plunged into civil war,¹ but the services required from him and his deputy lieutenants were not lessened even when the king's officers were sent into the palatinate, and it is clear that he and they were still depended upon at least to superintend to a great extent the military organization there, while their acquaintance with the gentry of the county generally must have been invaluable.² One illustration of his attitude towards the lieutenancy may be given here. He might uphold the decision of Crown and council against his chancellor and the common law, and he was to stand by the king in the coming war, but he could be determined where the palatine rights were concerned.³ When he was ordered to give letters of deputation to Sir John Fenwicke and others in Northumberland so as to allow them to muster the trained bands within Northumberland, Lancashire, and Bedfordshire,⁴ liberties which always presented difficulties, he answered that he had

long since deputed Sr John Clavering, K^t and Mr Swinowe, two of the Justices of the Peace of that County (by whom the fores^d Bands are both trained and serve ioyntly with others of Northumberland) for the performance of that service . . . the wch I doubt not but his Ma^{tie} will be graciously pleased to approve off, as being the especiall meanes to preserve the Right of the Byshopprick in the due property it hath therby as distinct from the Intrest of all other Deputie Lieitents Under any other Personage. . . .⁵

The papers which are dated after the Restoration all belong to Bishop Cosin and are of much more general interest. Long before the passing of the militia acts, almost immediately, indeed, upon his return, the king must have resolved upon the perpetuation of the system of the lieutenancy, the controversy concerning which had been the immediate cause of the civil war. Twenty commissions of lieutenancy were issued in July 1660 and twelve during the following August and September. But in one respect he and Clarendon had learned their lesson, and while they were agreed on the necessity for the careful selection in each case of the right person to fill the office, they yet knew very well that the right person meant some one acceptable to the county as well as loyal to the Crown.⁶ In Durham action was taken even before

¹ State Papers, Dom., Chas. I, ccxcvi onwards.

² Mr. Lapsley (p. 310) seems to go too far here in dismissing the bishop from all serious share in the military organization of his district.

³ He was 'firm as well as amiable', says Dr. Gee, referring to his petition to the Crown when the court of the exchequer commanded the sheriffs of Durham to show cause why they ought not to account in that court (*Victoria County Hist., Durham*, ii. 47).

⁴ State Papers, Dom., Chas. I, ccccxli, no. 61; Windebank to the bishop, 8 January 1639/40.

⁵ *Ibid.* cccxlii, no. 75, the bishop to Windebank.

⁶ See *Notes which passed at the Meetings of the Privy Council between Charles II and Clarendon* (Roxburghe Club), pp. 1, 8, 20.

a bishop could be restored, and an experiment was tried, namely, that of placing the bishopric with the North Riding of Yorkshire under one lieutenancy, since, as Nicolas noted, 'the North and East Rideing of Yorkshire ioyned beare but equall proportion in any respect to the West Rideing alone. The North Rideing and Bishopric of Durham do ioyne and may properly be under one comand.'¹ In consequence Viscount Fauconberg was given a commission on 27 July 1660 as 'lieutenant within our County Palatine of Durham and within the North Riding of our County of York, our City of Durham and all corporate and priviledged places within the lymitts', &c.² He had six deputy lieutenants for each of the two districts, those named for Durham being Sir William Darcy, Sir John Conyers, Sir Nicholas Cole, Baron Hilton, Henry Lambton, and Thomas Davidson.³ The experiment did not endure long. On 2 September 1660 Cosin was consecrated bishop of Durham in Westminster Abbey; his labours on the Prayer Book kept him in London for the next few months, but he entered the diocese in August 1661, and on 13 September received a commission as lieutenant,⁴ Fauconberg being left with the North Riding only. The note by Nicolas concerning this expedient of putting together Durham and the North Riding does not indicate that it was meant as a temporary measure only, while there was no bishop, although it may have been so. On the other hand, Cosin was as resolved as his predecessor 'to defend and preserve all accustomed rights, privileges, and immunities appertaining to the bishopric and county palatine',⁵ and may well have disliked the idea of any one but himself holding the lieutenancy. Moreover, it is highly improbable that the scheme would have been popular in either of the two districts.

On 23 September the new lieutenant nominated ten deputies, including four of those who had held the same office under Fauconberg, and their names were presented for the royal approbation; they were Sir William Darcy, Sir Thomas Davison,⁶ Sir John Conyers, Sir Nicholas Cole, Henry Simpson, John Hilton, William Strother, Gilbert Swinhoe, Lord William Widdrington, Sir Thomas Blakiston.⁷ He was shortly to discover that in the

¹ State Papers, Dom., Chas. II, viii, no. 185.

² Pat. Roll, 12 Chas. II, pt. 26, no. 142. The date of the commission in the *Calendar* is given as 28 July.

³ State Papers, Dom., Chas. II, v, no. 110. The *Calendar* gives the date as 1 June 1660, but on the manuscript below the list of names July 1660 has been pencilled in. This is obviously the correct date as no deputations could be given until the lieutenant was commissioned.

⁴ Pat. Roll, 13 Chas. II, pt. 13, no. 4.

⁵ Hutchinson, i. 540-2. The answer given by the bishop in opposition to the county having knights and burgesses and part of the oath taken by the bishop on enthronement.

⁶ Sheriff 1660, knighted 30 July 1660.

⁷ State Papers, Dom., Chas. II, xlii, no. 20.

difficult times ahead these ten were insufficient, and the following year he asked to have the names of John Tempest, William Blakiston, Anthony Byerley, and Cuthbert Carr¹ added, pointing out that the 'present worke of New Moddleing the whole Militia according to the Act of Parliament is very great', while in October 1663 he secured yet another:

His Ma^{ty} doth very well approve of Sir Francis Bowes to be one of the Deputy Lieut^{ies} for the County Palatine of Durham and that the R^t Reverend Father in God the Lord Bishop of Durham his Ma^{ties} Lieut^{nts} of that County give order for the issuing out his Deputacon accordingly.²

A perusal of his correspondence and papers indicates what might well be expected, that one of his chief difficulties must have been the necessity for finding time for this part of his work at a moment when his episcopal activities were especially needed in the diocese, for, quite apart from the thorough reorganization of the levies, his early years at Durham were disturbed first by what is usually known as the Derwentdale plot, and immediately after by the breaking out of the second Dutch war. Both must have thrown a heavy responsibility upon any lieutenant; that of the bishop was perhaps all the heavier because although nearly all the letters to him from the county gentry filling other official positions show a great deal of very real respect and reverence for him, and although he is clearly regarded by them as their military chief whose word is final, yet nevertheless there is sometimes an undercurrent of feeling that after all he perhaps lacks something of the experience of the sheriff and deputy lieutenants both in military matters and in knowledge of local politics. This must, on occasions, indeed have been a real difficulty to bishops before him who, whether they were lieutenants or not, had always had to act as rulers of the county. Those of them who were not the sons of county magnates must often have lacked that fund of narrow but serviceable experience acquired by full participation in county life and politics, and the lack would have been doubly felt when they came as strangers to the land. Cosin, however, although he was not a north countryman, had the inestimable advantage of having known Durham before the civil war, and as domestic chaplain to Bishop Neile, with subsequent preferments, had probably gained a considerable knowledge of local politics. Moreover, his marriage with Frances Blakiston had connected him with nearly all the older families of the bishopric.³ As ruler of the

¹ *Ibid.* lxi, no. 55, October.

² Mickleton 31, fo. 16.

³ She was the daughter of Marmaduke Blakiston of Newton Hall, prebendary of Durham and sometime archdeacon of Cleveland (Surtees, i. cvii). As a family they were divided in political opinions: one of her brothers, John, had signed the death-

county he did not, of course, escape censure ; he probably would not have done so in any case, any more than a certain amount of friction between the county authorities could ever be avoided. Perhaps it was not desirable that it should be so. But the late war had been one of a class divided among itself, and it was precisely with this class, of which both parties were embittered and suspicious, that he had to deal. Men like Fauconberg,¹ who had held office under the Commonwealth and were holding it again under the restored monarchy, were not unnaturally looked at with jealousy and often with suspicion by those who had given up everything for the royal cause. There was the inevitable spy-mania too, and informers, usually full of false information, abounded. Letters such as that which the bishop received on 26 April 1664 from his deputy lieutenants² were not uncommon. They write :

Wee cannot silently pass ouer that part of your Lordshippes letter concerning Sir Thomas Gower's aspersion of some in office in our countie to haue giuen intelligence to Joplin of the intention to apprehend him. We hope he is so much a well-wisher to his Majesties service that he will name the person who hath offended in this high nature that he may be discharged of his employment and receiue such punishment as his crime doth deserue, and untill this be done wee all lye under the burden of this accusation at large. . . .

There were, too, all the difficulties caused by the minor dissensions and jealousies within the county, often trivial and comical enough in themselves but inextricably mixed up with political events. While the ferment of the Derwentdale plot was at its height and accusations of disloyalty were being freely bandied about, matters in Durham and at Auckland threatened to come to a crisis, not so much because one of the bishop's deputy lieutenants, Colonel Tempest, was suspected of having been in some way involved in the plot, but because Mrs. Tempest and her daughter had been perceived

sitting³ above Prudence Carleton in the church, about wh there hath lately been great quarrell, and the Carletons have turned Mrs. Tempest out of the seat quiet to the other side of the church, and her daughter to the lowest place in the seat.

This it was darkly rumoured had been done with the bishop's approval, and it was taken as a sign that he was favouring one set of gentry at the expense of others. It is not surprising to

warrant of Charles I ; another, Thomas, vicar of Northallerton and prebendary of Wiston, had been ejected during the civil war (*ibid.* i, p. cvii, note O, and iii, p. 163).

¹ *Cal. of State Papers, Dom., 1660*, p. 1 : certificate of Viscount Fauconberg of his laying hold of the king's pardon.

² Mickleton 31, fo. 41.

hear after this that Colonel Tempest talked of nothing but of retiring to the country and giving up all public employments.¹ All the difficulties were not unnaturally accentuated when co-operation was necessitated with the neighbouring counties. The county boundary has been called 'the deepest and most enduring of English divisions',² and the feeling of men for their own county, the deep-seated conviction that theirs alone was the really efficient one, while across the boundary anything might be expected to happen, was at once a source of strength and weakness. There was, too, always to be reckoned with the feeling among Durham's neighbours, occasionally frankly expressed, that a county so peculiarly constituted could not really be as efficient as they were. Fauconberg was perhaps not sorry to point out to the bishop that since he had not seen fit to issue commissions of the peace to any of the gentry living near the Yorkshire border the result had been 'a very great resort of Quakers al this summer to Crake as a common receptacle'.³ The necessarily irregular geographical distribution of these magistrates caused difficulties in most counties, and the bishop was at least as ready to deal with the Quakers as was Fauconberg. But this practice of resorting from one county into another, where it was for some reason easier to evade the law, created constant trouble for those in authority. It came to the fore again when men had to be impressed for the fleet during the second Dutch war, and the bishop was told plainly that if he were not careful the county palatine would prove a sanctuary for seamen.⁴ Durham was quite capable of holding its own and turning on its accusers. Richard Neile could write that he has

long seen the malice and back-biting of the Yorkshiresmen against this country and my lord and his officer, and I am the more sorry that they goe Scotfree, being more to blame then us. Had we anie of Dr. Richardson in our custodie, the only contriver of all the plot in the north, and lett him slipp without making any account for him, but to say he parolled and did break it? Did wee ever lett a worse blood-sucking rascall then Cooke escape hanging for want of due encourageing the evidence, and hange his poore cornett in his stead, that would easily have hanged him? Did wee loose any such letters as was sent to Yorke that was found in the gaol-gates, in caracters directed to Joblin, and twenty such thinges? ⁵

Nor was Cosin above using the rivalry between the counties as

¹ Surtees, ii, Add. 391: a letter from Mr. Richard Neile.

² Webb, *English Local Government: The Parish and the County*, p. 283.

³ Mickleton 31, fo. 55, 18 August 1665.

⁴ *Ibid.* fo. 49.

⁵ Surtees, ii, Add. 391. Mr. Neile was grandson of Bishop Neile and had entered Bishop Cosin's service about 1660 (Surtees, i, p. lxxxix).

a spur to urge on his own men, taking the opportunity when the Dutch war had broken out to reproach them for their defects and bidding them consider

how much encouragement our Enemies may take from the Slacking of our preparacons . . . and also being informed that the voluntiers in some of our neighbours Counties haue not only been in readiness but in actuall armes upon this very occasion.¹

But in spite of jealousies and dissensions and, on occasion, outspoken criticism one of the other, there was a genuine desire among the county authorities to serve the country to the best of their ability, divided as they might be in political opinions. It was the easier for them to do so because nowhere did the passion for continuity of national life show itself more clearly than in local government. It was the old machinery which they had to work, and cumbrous and awkward as in some respects it was, Charles and his ministers were deeply indebted during the crises which arose to those who worked it faithfully and loyally in the critical years following the king's return.

The most important of the bishop's papers in the Mickleton volume fall into two main groups representing the two critical situations with which he was called upon to deal as lieutenant, namely, the Derwentdale plot and the second Dutch war. The political aspect of the Derwentdale conspiracy, as of the war, is outside the scope of this paper. In any case so adequate an account of the former has been given elsewhere by Dr. Gee² that it would be impertinent as well as superfluous to deal with it here; incidentally he shows, too, the nature of the administrative work which the discovery of the plot threw upon the bishop and deputy lieutenants.³ No sooner had the conspiracy collapsed, although echoes of it were for long to trouble the peace of the county authorities, than new activities were required of the lieutenancy in Durham.

The private and irregular warfare which had begun between the English and Dutch soon after the Restoration became regular and official when war was formally declared in February 1664/5.⁴ The war, which brought home to the minds of Englishmen with such unpleasant force the exact extent to which corruption and intrigue could throw the central administration out of gear, was also a test of that system of government which placed so great a responsibility, in times of war as of peace, upon local authorities. Already in Durham during the year previous to the declaration of war difficulties had shown themselves. The duke of York was

¹ Mickleton 31, fo. 36.

² In his paper in *Royal Hist. Soc., Transactions*, 3rd ser., xi. 125.

³ Mickleton 31, fos. 28, 39, 40, 41, 53, 58, 60-9, 74-89, 93, 95, 96.

⁴ Clowes, *The Royal Navy*, ii. 253.

lord high admiral, and while it may, perhaps, be allowed that the tendency towards absolutism he showed in that office was very largely due to a desire for efficiency,¹ yet the idea of absolutism was no more welcome to the English gentry than it ever had been; the lord high admiral, like the king, had to reckon with their attachment to traditional methods and traditional liberties. The palatinate had always been, in naval as in military affairs, completely subject to the royal control, but the bishop could and did, although not always with entire success, claim that in these matters he alone could act as the royal agent, and that the palatinate ought not to be included in any commission of vice-admiralty that might be issued for the northern counties.² There was certainly considerable indignation in Durham when it became known that a commission as vice-admiral had been issued to the earl of Carlisle in October 1664, to include that district as well as Northumberland and Cumberland.³ Sir Ralph Delavall was made aware of it by receiving from the earl a copy of the royal warrant for impressing seamen and instructions for doing so within the county palatine. The earl was to secure in all four hundred seamen from the districts within his jurisdiction, who were to be sent to Newcastle and there put on board ship, and to have press and conduct money with 8*d.* a day for maintenance.⁴ Sir Ralph, who wrote to the bishop about the secretary's 'mistake', saw the main difficulty clearly enough, and warned the bishop that he ought to consider the emergency of the time, and that unless he were willing to order his deputy lieutenants to impress seamen there was no doubt that his county palatine would serve as a welcome place of refuge for all escaping from the king's men out of the neighbouring counties.⁵ The Crown seems to have accepted the position, and the bishop to have received a commission and instructions from the duke of York to carry out the work of impressing within his district; ⁶ while Sir Ralph suggested to him that

the affayre will be carried on with more security that none may escape out of either County into the other, if your Lordship and we pitch upon one

¹ *Ante*, xii. 18 f., and xxvii. 269 f.; Fortescue, *History of the British Army* i. 315.

² With regard to the bishop's admiralty jurisdiction Mr. Lapsley points out (pp. 324 ff.) that the attempts of the seventeenth century to bring the bishopric under the jurisdiction of the high court of admiralty had met with opposition, and that after the Restoration the system of a local court of admiralty is found to be in full operation, while the bishop is recognized as 'admirallus admiralitis infra comitatu palatino sive episcopatu Dunelmense' (Admiralty Records, Misc. Bundles, ii. 206); but see *ante*, xxiii. 742, 748-9.

³ Mickleton 31, fo. 45; cf. lists of vice-admirals given *ante*, xxiii. 749.

⁴ Mickleton 31, fos. 45, 47, 49; see also *ante*, xii. 36 and *Tudor and Stuart Proclamations*, i, no. 3405.

⁵ Mickleton 31, fo. 49.

⁶ *Ibid.* fo. 51.

and the same day and after discussion we are resolved for several swaying reasons to make Sunday morning the time and if your Lordship engage your officers then at South Shields and Sunderland it will much advantage the business. . . .¹

Mismanagement and corruption at the centre were already leading to a complete break-down in naval administration. But if in Durham the bishop's responsibility did not in practice extend beyond the impressing of the seamen he had a heavier burden thrown upon him when it came to the question of the army. The standing army, save for one regiment, had disappeared,² as the majority of the nation believed, for ever ; the same parliament had abolished military tenures,³ but the liability of all subjects of the Crown to serve in the general levy remained. The reorganization of this levy had been a matter of immediate necessity and had occupied three sessions of the cavalier parliament. The resulting Acts⁴ characteristically went back to precedent and custom, and rather placed them on a statutory footing than introduced definitely new principles. Thus the right of the king to command the militia, which Charles I had claimed and parliament had denied, was now recognized by statute. One of the earliest actions of the restored king had been to appoint lieutenants of counties ; a statute now ordered him to do what he had already done. Lastly, the supply of men, horses, and arms was regulated as a liability resting on property within each county, on the basis of the ancient statute of Winchester.⁵ The triumph was seemingly to the Crown, in reality it belonged to the rulers of the counties.⁶

Like his predecessors, but now by virtue of the statutes, the bishop, as all other lieutenants of counties, had the power and responsibility of raising, arming, and arraying the militia ; of charging persons having real or personal property with the finding of a proportional number of horse or foot soldiers furnished with the requisite arms and supplied with powder and bullets : every person so charged having to pay on demand 2s. 6d. a day for each horse soldier and 1s. a day for each foot soldier for as many days as they were absent from their dwellings or occupations for the musters unless an agreement was made to the contrary.⁷ There was also the oversight of the military stores, ammunition, and so forth, which had to be provided by the county, and for provision of which the lieutenant and his deputies or any three of them might levy a rate. In time of peace the work must have

¹ Mickleton 31, fo. 51.

² 12 Chas. II, cc. 9, 15, &c.

³ 12 Chas. II, c. 24.

⁴ 13 Chas. II, stat. i, c. 6 ; 14 Chas. II, c. 3 ; 15 Chas. II, c. 4.

⁵ Cf. Fortescue, i. 292.

⁶ Cf. Feiling, *Hist. of the Tory Party*, pp. 18, 19.

⁷ 14 Chas. II, c. 3, cl. ii.

been often tedious and arduous enough, in time of war the labour and responsibilities were doubled. The list of defects in men, armour and ammunition, the failure of those charged to send up their quotas, and the ever-pressing difficulty of finance, all assumed a serious aspect. In the case of invasions, insurrections, or rebellions, the persons charged had to provide their soldier with pay in hand not exceeding one month's pay according as the lieutenant or deputies directed. This payment had to be refunded by the Crown out of the treasury. If a month's pay had been provided and advanced no person who had provided such an advance could be charged with another month's payment until he was reimbursed for the former expenditure.¹ The money was probably never very easy to collect; there were always those in the county who would avoid paying their share if it was possible. But the collection within the county must have been often a light matter in comparison with the difficulty of getting the money from the treasury: in the former instance there were at least penalties which could be imposed for failure.²

The bishop's papers for 1665 tell their own tale. It was in many respects an anxious year for the north, for not only was there fear that the enemy would attempt a landing somewhere along the Durham or Northumberland coast, but also there were rumours of disaffection at home and possible local risings. Once more as in the Derwentdale plot, of which these disturbances were some of the final mutterings, the Quakers were suspected of being the chief cause of the trouble, and Fauconberg warned the bishop in August that they were

holding their usual meetings w^{ch} they tearme religious worshipp, for preventing whereof for the future I thought fit (w^{ch} his Royall Highnesse approud on) to send some of the chiefe of them to y^{or} Lopp. they being wthin yo^r Jurisdiction and hope y^{or} Lo^{pp} will let them be proceeded against according to law.³

Whatever had happened or was supposed to have happened at these meetings the matter was serious enough to engage the attention of the duke of York and ultimately bring him to the north. On 12 August he wrote to the bishop and to the lieutenants generally to be watchful, and to secure any dangerous men.⁴ This letter probably accounts for that, endorsed 1665 only, which was sent from the bishop to the commissioners of volunteers. It orders a view to be taken of men, horse, and ammunition 'in this time of daily informations coming to his Ma^{ty} agt disaffected or disloyall persons who intend to disturb his Royall and peaceable government both in Church and State . . . ' that

¹ Grose, *Military Antiquities*, i. 32 f.

² 15 Chas. I, c. 4.

³ Mickleton 31, fo. 56.

⁴ State Papers, Dom., Chas. II, cxxix, no. 11.

he may be the better able to render 'an Account thereof (as I am required to do) both to his Ma^{ty} and to his Royall Highness the Duke of York whose progress thro this Country may happen to be sooner than is yet made known to us'.¹ The duke actually came into the East Riding in the middle of the month, when he was particularly active in ordering the arrest of suspected persons,² with the result that Yorkshire was in a commotion, and the deputy lieutenants of that county were busy writing to the bishop repudiating charges of treasonable practices which some well-wisher in Durham was evidently bringing against them or their friends.³

January 1665/6 opened with instructions from the council to the bishop to prepare immediately for the defence of the coast, and on 25 January he and his deputies issued orders 'for drawing the Militia of this County into a Body in pursuance of his Majesties Express'. These troops were to be placed at, or near, such port or ports, or upon such coasts as the lieutenant and his deputies should think best, since an attempted landing of the enemy was apprehended. Fourteen days' pay was to be provided, 2s. 6d. a day for each horseman, but 8d. a day only is put down for each footman although 1s. is the sum mentioned in the Act.⁴ The bishop's troubles began at once, for the inevitable and dreary tale of defects flowed in throughout February. A list of six 'non apparants' for one captain's troop ends with the sad story:

Furthermore Mr. George Libourn and Mr. Addison of [?]ingham find a horse but Mr. Addison refuseth to pay his moyetie soe that the man (who is a good soldier and well horsed) comes onely accouterd with half pay which is impossible to find a soldiers horse and keepe himselfe.⁵

Following this came a letter sent to one of the captains of the district named Newton, and evidently forwarded by him to the bishop for the latter to take action upon.

. . . Before I made you A retourne of the defects I tooke the trouble upon me to acquainte all the Petty Constables within this devision of my Lord Lieut. and Deputy Lieutns order made in that behalfe. And I sende none as yet refractory in all the sayd devision but Garth the High Constable and John Hobson of Houghton on the Gide, who doth positively refuse to obey any such order, as the Bearer hereoff and his partner will inform you. My Captain desires you to procure them warrants off distress from the deputy Leutnts according to Act of Parliamnt and to acquainte my Lord and the Deputy Leuitnts how obstinate they are. If they be not

¹ Mickleton 31, fo. 36.

² State Papers, Dom., Chas. II, cxxix, nos. 42, 45.

³ Mickleton 31, fo. 29.

⁴ *Ibid.* fo. 99.

⁵ *Ibid.* fo. 33. When two or more persons were charged with finding a horse or man between them, with the necessary wages, &c., three deputy lieutenants were required to apportion to each his share unless they could come to an agreement between themselves.

made Examples there will be but small appearance upon the like occasion. The poore souldyiers are forced to goe and seeke their pay where as indeede they ought to bring it them and often times got their labour for their paynes and travell and at the best their pay without consideration for their Journey. Sir Tho. Garth who ought to show good Examples to the County is most obstinate and an unworthy person. . . .¹

Sir Thomas Garth's unworthiness and the general financial difficulties are amply illustrated by the postscript to the letter.

John Dawsons return		s.	d.
Item	He wants for two Generall muster days of Garth	7	0
	And for the march to Durham about the plott .	2	0
	for A new scabbard	2	6
	for fixing his musquet and dressing his sword .	2	6
	for a new sword belt	2	6
	for powder which he was forced to buy . .	1	6
		18	0

He wants A chollar of bandeleres

His new Coate is made contrary to order

This bearer hath beene 3 tymes to demaund the same of Garth and upon his last demaund gave this ansuer : That he would not obey any such order for his father had lost more then either Harret Smelt or Tom Newton and he cared not one Straw for there orders neither would he pay anything but what pleased himself.

John Dauson

Marke

Henry Lawsons retorne for John Hobson of Houghton

At the first Meeting at Hartlepoole	0	6d
for dressing his sword and mending his scabbard	0	10d
for 3 tymes demanding it be 6 miles [?] A Chollar off Bandeleres	2	0d

Upon his last demaund Hobson told him that he cared not . . . for the officers order and he would try it out to the last ends and that the officers had not anything to do with them when they were out of service and that he would pay what he pleased.

marke

Henry A Lawson

Men like Garth and Hobson must often have made matters difficult for the officers as well as for the lieutenant. The former were indeed constantly called on to supply funds, and a few days before the last report of deficiencies had been received another captain, named Baker, had written to the bishop :

My Lord,

Having this convenient opportunity of the bearer Captain Newton, I assume the boldnesse to acquaint your Lordship, that my owne and my

¹ *Ibid.*, fo. 43.

officers stock of money is almost totally exhausted, which is partly occasioned by a necessity there was for us to supply our souldiers wants, their recruits for the next fourtene dayes pay being as yet not comd up to many of them. It is therefore my humble suit to your Lordship in the behalfe of myselfe and officers that your Lordship will be pleased to issue out your order for fourtene dayes pay already by past which (if your Lordship will please to order us) will come very seasonably to us. . . .¹

The troops having been collected and the defects remedied as well as might be there remained to be considered that part of the lieutenant's duty towards the militia, which was, in the words of the statute, 'in case of insurrection rebellion or invasion, them to lead, conduct or employ, or cause to be led, conducted or employed' against the enemy. The second alternative which applied to the case of the bishop was not perhaps the easier one, for, not being the leader of the troops, he still constantly was called upon for a decision. It was here that the radical defect in the system must often have been apparent, namely, the want of a central co-ordinating authority. There was a commander-general at the centre and the king's officers were sent into the palatinate, yet the disposal of the county troops was held to be the prerogative of the bishop, and much was left to his authority. At the same time he had also to reckon with conflicting opinions between himself and his sheriff or deputies or captains as to the best course to pursue, while the inhabitants too had something to say on the matter. The traditional idea that the forces of the county existed for the defence of that county rather than for the service of the country as a whole was strong, and it had to be taken into account. While the lists of defects were still pouring in the bishop had written on 8 February 1665² to Colonel Strother, who was commanding the militia in those much disputed regions Norhamshire and Ilandshire, giving him directions as to the disposal of his troop, but before the colonel had received Cosin's commands he had had an order from the lord lieutenant of the county of Northumberland to draw the militia of that county to the east coast. What he had actually done was to take them over to Holy Island, which he explained he thought a convenient place; also he had been asked to take his men there by the inhabitants on the grounds that pirates used the coast, and they were afraid that some night they might come and fire the town.³ No doubt the islanders were much more afraid of pirates than of the Dutch, but the multiplicity of requests and commands must have been bewildering.

But it was June of the following year, 1667, that was the most critical time for Durham. The immediate apprehensions

¹ Mickleton 31, fo. 31.

² *Ibid.* fo. 37.

³ *Ibid.*

of the authorities in London during the first week of that month seem to have been for the safety of the north-east rather than the south-east stretch of coast. 'Coll. Villers Is com down, And no doubt his Maie^{ty} does Susspekt ther desin May be upon this Costes,' wrote the high sheriff, Sir Gilbert Gerard, to Cosin on 7 June.¹ There was a particular reason for their anxiety. Coal was running short in London, and it was greatly feared that the Dutch might not only intercept colliers coming from Newcastle, but would actually go and burn those in harbour there.² The authorities within Durham were of much the same opinion as those in London, and it must have been an anxious week for the bishop. If the practical part of the work devolved upon Gerard and Villiers, who was governor of Tynemouth Castle, he was still the sole authority who could give a commission to act and whose directions were looked for by both. For the few days before the 7th Gerard had been at Hartlepool, where the five Durham companies had been drawn together.³ For the 8th, which was a Saturday, a meeting was arranged at Sunderland between the sheriff, Villiers, and some of the officers, of which the bishop was advised by both Gerard and Villiers and asked to send full instructions for the disposal of the troops.⁴ Another was suggested for the Monday in order that he might be present, with a desire emphatically expressed that that meeting should be held at Durham and not at Auckland, since once the sheriff and deputy lieutenants and others had to go to Auckland they found it difficult, if not impossible, to get back to their commands on the same day. It was a request with which the bishop must have been quite familiar, for it was frequent in his correspondence. But he had already sent some orders to Sunderland before he could have received either of the letters,⁵ for on Friday, the 7th, the officers there had written to him thanking him for his directions, and saying that they had disposed of their companies accordingly, but added what must have been a grievous piece of news, with a ray of hope at the end. On arriving at the coast they

were entertained with a most violent storm, which had a most lamentable effect upon a fleet of 100 light colliers coming from the southward and being in sight of this port when the storm began we hear of many cast away and by the judgment of able seamen it is doubted that at the least one half of them is lost. We thought it our duties to give your Lordship this sad account but we are in hopes that if the Dutch fleet were out they would run the same risk.⁶

¹ Mickleton 31, fo. 20.

² Cf. Pepys, *Diary* (ed. Wheatley), vi. 213, 303, 384, 393.

³ Mickleton 31, fo. 20.

⁴ *Ibid.* fos. 19, 20; *Cal. of State Papers, Dom.*, 1667, p. 161.

⁵ Mickleton 31, fo. 24.

⁶ *Ibid.*

Villiers, arriving at Sunderland, sent an equally gloomy account of the calamity the next day to Secretary Williamson.¹ The bishop does not seem to have arranged for a meeting either at Auckland or at Durham, but for one at Walsingham either for the 10th or the 11th. The letter he received on the subject from the sheriff, dated 10 June, is eloquent of his many difficulties. No explanation, unfortunately, is given of the last sentence, and he might well have thought that he had enough on his hands without being required to settle matrimonial questions.

My Lord,

I am Mor then In an ordinary trobell thatt I doo Nott waitt off yower Lordship too Wolsingam, butt In case I wear absentt Iff the dutch should appear hear I should be uery Mutch Sensured for Itt and Might hazard the kinges faver, for I write My lord Gerard word thatt My staie was only too attend the kinges seruiss for this parttes, besides too Morrow and the Nextt day ar off Grettest danger the Spring tide being the mostt Likely time for them too make ther atempt Iff they haue any desin on this partes. Pardon My, Mye [erasure] honored lord In this my Motion ; Iff yower Lordship Goo too Wollsingam Nott too declare yower Judgment and resolution In thatt bisness wilstt yower Lordship Is ther upon the plase, for they will be Importunate In ther aplications. Hoping yower lordship will Mediatt for me with My wife. . . .²

The danger was threatening, had they known it, not Newcastle but London and Chatham. Pepys entered in his Diary on the 11th that all the previous evening the Dutch guns had been heard at Bethnal Green. On the same day in Durham the bishop was taking precautions and writing to Villiers for ordnance and shot which Arlington had said were to be spared for him.³ On the 12th Gerard wrote to him again pressing for another meeting :

My Lord,

If yower Lordship has Noo Fresh orders from his Mais⁴ Itt will be requesitt thatt yower Lordship doo Conffer with the Deputy Lifftenants, for too Morrow will be the Lastt daye witch the horse have orders too ffornish them selves with paye. And Iff yower lordship ples too send too the Deputy Lifftenants too Mett upon Friday Either att Aukland or Durham, wich of the plases yower lordship shall approue off, wher noo dowtt ther yow will Com too som new resolutions, For Itt Is very likly thatt ther be thoes, seeing [erasure] the Dutch has Made No attepett, will spend ther Judgments thatt whatt has bin done Is very Nedles.

¹ State Papers, Dom.. Chas. II, cciii, no. 144.

² Mickleton 31, fo. 21. The letters of the high sheriff, which are written throughout in his own hand, make the others in the volume look almost modern in comparison, but though his handwriting, like his spelling, is very uncouth, it is clear except where his heart has failed him at the spelling of a word, and then the scratching out and attempts to rewrite it sometimes make all the words round it illegible. Sir Gilbert married Mary Cosin as his second wife in 1671.

³ Mickleton 31, fo. 25.

And I doo humbly prairie yower Lordship that Collonell Villers Maie be sentt too, too Mett with yower lordship and the restt off the Deputy Liff tenants. Iff Itt wear Nott too Inconuent for yower lordship, Durham would be the bestt plas, for then Coll. Villers and the restt Maie repaier too ther seuerall plases that night Either too send ther souliers hom or too Continue them as yower lordship shall see Caues. My lord, Itt will be very requisitt too haue a Meting and Iff I haue yower lordship resolution by My seruant off the time and plase, I shall acquaint mr Ralph Dauison, who did Indeed Make the Motion for yower Lord Calling yower Deputy Liff tenants together. . . .¹

The meeting of the deputies seems to have taken place on the Friday as the sheriff desired, but the bishop was not present and Gerard informed him of the temporary decision which had been come to.

. . . We did thinke Itt requesett too Continue Captt Hales trope tell farther order for his first order Expired yesterday, And the resones why we did Continue them was this; the present danger, secondly, the foote ar paid till Wenesday Nextt, so thatt Itt Is but resonabell for them too do ther seruic for ther wages, and the bestt waie will be too dismiss the hors and foott together and further we had this reson More, since the fote wear paid tell Wendsday nextt, ther would be this daies postt and Sondaies postt and Tuesdayes postt for to giue yower Lordship aduertismentt off the Dutch and then as youer lordship shall Judg whatt Is bestt to be done, Either too dismiss them, or to Continue them Longer, And too thatt porpos I writt too Coll. Villers too desire him Nott to Make any Ingagment . . .

her was a littell Dutch Caper upon the Costt yesterday or ells all Is God be thanked Very Cler.²

The little Dutch caper was not followed, happily for Newcastle and Durham, by the whole Dutch fleet, but part of it was actually sighted off the coast on 23 June and due warning given to the bishop.³ Nearer than that the enemy did not approach, and no doubt the high sheriff was correct in his cynical prognostications that there would be many to declare that all the precautions had been taken needlessly and that there had never been any real danger of an attack at all. There is nothing in any of the letters here available to show what they felt when news reached them of what had happened in the Medway.

Bishop Cosin's last years as lieutenant must have lacked the strenuousness of his earlier ones. During the nearly two years' vacancy of the see after his death, the earl of Carlisle acted as lieutenant within the palatinate.⁴ It was a temporary expedient only, and a commission was issued to Nathaniel Crewe almost immediately after his translation from Oxford.⁵ By now, his

¹ Mickleton 31, fo. 23.

² *Ibid.* fo. 25.

³ *Ibid.* fo. 21.

⁴ The statement in the *Complete Peerage* (ed. Gibbs) that he retained the lieutenancy until his death in 1684 is an error.

⁵ *Cal. of State Papers, Dom., 1673-5*, p. 398.

biographer noted, the office was regarded as inseparably attached to the bishopric ;¹ the Crown, in 1689, thought otherwise. Crewe's emergence from hiding and his submission to William III and Mary ensured his retention of the see, but the lieutenancy of the palatinate was transferred to Viscount Lumley of Waterford.² Under Anne Crewe came once more into his own. The lieutenancy was given back to him in 1712,³ and on his death, ten years later, was bestowed upon his successor Talbot.⁴

G. SCOTT THOMSON.

¹ 'Memoirs of Nathaniel, Lord Crewe', in *Camden Miscellany*, ix. 15.

² *Cal. of State Papers, Dom.*, 1689-90, p. 464. Lumley was shortly afterwards created earl of Scarborough.

³ *Pat. Roll*, 11 Anne, pt. 6, no. 16.

⁴ *Ibid.* 8 George I, pt. 3, no. 11.

Warren Hastings and the Assignment of the Carnatic

LITTLE has been written on the subject of Warren Hastings's connexion with the assignment of the Carnatic revenues in 1781. Mill alone gives it more than a passing reference ; and his narrative, not supplemented by the usual editorial corrections, shows how obscure the matter was both when Mill wrote and when Wilson revised his work. Nor is it at all satisfactorily explained by the documents published either before or since their time. The private correspondence in Gleig's *Memoirs of Warren Hastings* and Barrow's *Memoir of Lord Macartney*, and the official letters in Sir George Forrest's *Selections from the State Papers in the Foreign Department*, only suggest that much was going forward, without actually revealing what happened behind or even before the public stage. The following attempt to explain a most complicated series of events is based upon the official records of Bengal and Madras and the private correspondence of Hastings and Macartney, the former at the British Museum, the latter divided by the chances of the sale-room between the British Museum and the Bodleian.

At the close of 1780 Lord Macartney was appointed governor of Madras. This appointment marked a great departure from precedent, for Macartney was the first governor of an Indian presidency chosen from outside the ranks of the Company's servants. He was honest, able, and industrious, well known in the worlds of society and politics. He had negotiated a commercial treaty with Russia, and administered the island of Grenada. He had many friends in both the great parties. He had been an early intimate of Charles Fox, and had married the daughter of Lord Bute. He was thought the very man to settle the long-continued disputes between the nawab of Arcot and the government of Madras with an authority and singleness of purpose which no Company's servant was thought likely to combine. In these ways his appointment was beyond reproach. In others it was more open to criticism. It repeated the folly of the Regulating Act in filling inferior places from England, while leaving the highest place in the hands of a Company's servant.

Just as Clavering, Monson, and Francis had been certain to combine against and attack Hastings, so too Macartney was certain to criticize. He and the governor-general differed too widely in experience and knowledge; and in Macartney's case there was this further complication, that all intercourse would be restricted to the written word, which is so easy to misunderstand. However, as against this possibility there was the fact that Macartney was the friend of Laurence Sullivan, Pechell, and others of Hastings's supporters. Indeed, the appointment was one of the fruits of that curious coalition between Lord North and the Hastings party which was formed early in 1780. As a result of this Sullivan was chosen deputy chair at the elections of that year, and Hastings's friends thus secured a temporary control over English policy in India.¹ They were a curiously mixed body of men. Some, like Pechell or Palk, were respectable enough; others, like Laurence Sullivan or Paul Benfield, were men whose ideas of policy were deeply coloured by financial interests of various kinds; and it is noteworthy that the alliance which resulted in the appointment of Macartney led also to the appointment of John Macpherson to the supreme council of Bengal² and the return of Paul Benfield, with the full approval of the treasury,³ to Madras, the scene of his former usurious intrigue.

Macartney reached Madras in June 1781, and there learnt for the first time of the straits to which British India had been reduced by Hyder 'Ali's attack on the Carnatic in the midst of the Maratha war. The treasury was empty; the nawab without money or credit; the army commanded by Coote without reference to the Madras government; the existence of the settlement dependent on remittances from Bengal; and a number of proposals emanating from that presidency and displaying either the gravest apprehensions of the future course of events, or the deepest mistrust of the provincial government. A little later, on 22 August, Richard Sullivan,⁴ a Company's servant on the Madras establishment, arrived with dispatches from Bengal, announcing that the supreme government had entered into a provisional treaty with the nawab and had appointed Sullivan their agent at Madras to watch over its execution.

The relations between Muhammad 'Ali Khan Walajah, the nawab of Arcot, and the Company's government at Madras, for many years a source of acute controversy, had been brought

¹ Jenkinson to Chambers, 19 April 1780 (Brit. Mus. Add. MS. 38307, fo. 165v).

² Robinson to Hastings, 19 February 1781 (Brit. Mus. Add. MS. 29148, fo. 38).

³ He was provided with letters of introduction from both Lord North (31 January 1781) and John Robinson.

⁴ Mill calls him first Joseph and then Richard. His name was Richard Joseph.

to a crisis by the outbreak of the Mysore war in 1780. The reciprocal duties of the nawab and the council had never been defined. The government of the Carnatic, of Trichinopoly, and Tinnevely, that is of the country lying along the eastern coast of India from the Penner to Cape Comorin, was entirely in the nawab's hands, and the council had no right to order, or even to advise. But though the nawab maintained large forces of his own, he relied for his efficient defence altogether on the Company's army. In recognition of this fact he had agreed to contribute four lakhs of pagodas¹ a year to the Madras finances. Moreover, the small territories round Madras and Cuddalore which had been ceded by him to the Company were also leased to him. Thus of the total Madras revenues, amounting to eighteen or nineteen lakhs of pagodas, seven and a half depended on the nawab's treasury. The Company had thus a material interest in his finances, which had always been mismanaged. He was involved in a great private debt, of uncertain but ever-increasing quantity. He was always assigning to the management of his more favoured, more influential, or more importunate creditors whole administrative districts, so that large parts of his territories were always under the control of persons whose sole purpose was to obtain the maximum of revenue. The evil consequences of this system had been exaggerated by the great sums which the nawab had expended in the hope of directing English policy in his favour, by printing pamphlets, bribing those who pretended to backstairs influence, or buying seats in the house of commons. As a necessary result the Carnatic treasury was gradually exhausted. In 1779 the nawab declared himself unable to continue his payments to the Company.

Accordingly when in 1780 urgent demands were made upon him for money with which to finance the war which had just opened in so disastrous a manner, no one could get a pagoda out of him. Whitehill, the governor, tried but could get nothing.² When Whitehill had been removed, by the orders of the Bengal government, and the next senior servant of the Company installed in his place, the new governor could get no more than the old. He had even to advance the money needed to pay off the arrears without which the nawab's cavalry refused to march against the enemy. After desperate efforts the nawab was brought to assign to the Company all the revenues of Trichinopoly and Tinnevely, but his accounts showed that the first consumed more than it produced, while the second yielded only two lakhs of pagodas, mostly in grain.³ Coote, who had been sent down from Bengal

¹ The pagoda may be taken as 8s. or 3½ rupees.

² Madras Mil. Des. to the Company, 15 October 1780.

³ Madras to Coote, 21 March 1781 (Madras Mil. Cons., 1781, fo. 765).

to conduct the war, had several conferences with the nawab, but to no purpose.¹ All agreed that only the most vigorous measures could save the country. In this view the Bengal government, in which Hastings was at the moment supreme, concurred and addressed the Madras government as follows :

The Nabob can no longer be considered the proprietor of the Carnatic while every part of it not immediately protected or wrested from the enemy by our troops is in the hands of a foreign power, and all his hopes of recovering it depend entirely on our arms. A case like this will certainly justify you in demanding from the Nabob the immediate transfer of his whole country in exclusive assignment for the expenses of the war. We venture to add that in our opinion such a measure becomes, by the necessity imposing it, an indispensable obligation.²

Meanwhile the representations of the Madras government, the unchecked progress of Hyder 'Ali's arms, and above all the anger and contempt loudly and openly expressed by Coote, warned the durbar that something had to be done. But their action showed that their main object still was to temporize rather than to afford any real help in the crisis. They resolved to approach, not the Madras government, through which the Company's relations with the nawab had always been conducted, but the Bengal government with its vague controlling powers under the Regulating Act. Any arrangement concluded with Bengal was certain to be criticized and resisted at Madras ; and the Bengal government itself lacked direct means of enforcing its decisions in the territories of the subordinate presidencies. Such an arrangement promised the nawab an excuse for evading, delaying, or refusing demands made on him at Madras without exposing him to the inconvenience of making good his promises to Bengal. The personnel of the mission was subtly calculated to the same cunning end. Its head was the nawab's diwan, Saiyid Asam Khan, but he was accompanied by Richard Sullivan, the military and political secretary to the Madras government, who went to Bengal ostensibly on leave but actually to assist in the negotiations.³ As political secretary he had the most detailed knowledge of the political transactions of the Madras government. Whatever he might do, he would therefore certainly be credited with betraying the secrets and misrepresenting the intentions of his official superiors. The nawab might securely calculate that resentment at his employment would reinforce the hostility that would be felt against any plan which appeared to originate with the Bengal government. This may seem a harsh

¹ Coote to Bengal, 19 November 1780 (Forrest, *Selections*, p. 753).

² Bengal to Madras, 26 February 1781 (Madras Mil. Cons., 2 May 1781, fo. 1093).

³ Mill's statement that Sullivan was 'inveigled from his duty' by the Bengal government seems to be without foundation.

construction to put upon the nawab's conduct ; but when we recollect the later course of events, the desperate endeavours made to prevent a rupee of the promised revenues passing into the Company's treasury, the subterfuges that were adopted, the accusations that were brought against an undoubtedly honest man whose sole crime was to insist that revenues assigned in name should be assigned in fact, it is impossible to regard the proposals made to Bengal as genuine.

The chief demands which this mission put forward were as follows : The nawab should be recognized as the hereditary sovereign of the Carnatic, with entire authority over his subjects, and power to appoint his successor ; the financial demands on him should be limited to the cost of maintaining ten battalions to be kept up for his service and employed according to his desires ; Tanjore should be restored to him ; Hyder should be compelled to cede to him certain districts ; and assistance should be given to secure the settlement of his private debt, which he estimated at seventy lakhs of pagodas.¹ However unreasonable some of these demands might be, the proposals opened to Hastings an opportunity of securing what he had ever regarded as a matter of high importance. Eleven years earlier, when watching at close quarters the unceasing disputes between the nawab and the Madras government, he had written :

It is a matter of astonishment to me how the alliance between the Nawab and the Company hath subsisted so many years without one condition on either side and every disadvantage on that of the Company. . . . The whole expense of his regular forces and of his garrisons is borne immediately by them, for which indeed they have credit in his accounts, but every pagoda which he reimburses to them is extorted from him by arguments bordering almost on open violence, and considered when granted as a gratuitous aid which confers an obligation, while in effect it but partially repays one. . . . By such means the Company have insensibly acquired an interest in the Carnatic which obliges them to take a part in all its concerns, since they have no other dependence for the recovery of that debt. For the security of that they must defend the province. . . . We have no authority over an amildar [revenue collector] or the meanest of his dependents ; and were we to assume it, to save ourselves from famine or even his country from destruction, it would be exclaimed against as an act of oppression and a violation of faith. ²

The situation which arose in 1781 appeared therefore to offer an opportunity of obtaining alike a treaty such as would place future relations on a more reasonable basis, and an assignment of revenues immediately and urgently needed for the maintenance of the war. Hastings resolved accordingly on 2 April to

¹ Requests of the Nawab Walajah (Madras Mil. Cons., 22 August 1781, fo. 2280).

² Hastings to L. Sullivan, 1 February 1770 (Brit. Mus. Add. MS. 29126).

offer the nawab a provisional treaty subject to the Company's approval, acknowledging his sovereign rights, on condition that he should assign all his revenues without exception for the support of the war, to be collected jointly by his own revenue officials and persons to be nominated by the government of Madras.¹ The proposal was eagerly accepted by the nawab's representatives.

The nawab's real views in this matter, as I have pointed out above, were not those which appeared upon the surface. This Hastings perhaps suspected. In a private letter of this time he remarks the oddity of the transaction, the delight of the diwan 'at my having consented to take his master's money'. The explanation which he puts upon the event is that the nawab was willing to purchase his independence of the Madras government by the cession of his revenues.² But it does not seem to have occurred to him that the nawab might have been trying to purchase independence at the much cheaper rate of doing nothing while the governments of Bengal and Madras quarrelled. Indeed, at this time Hastings cannot have regarded the Madras government as a serious factor. It had failed so dismally, it was so thoroughly discredited by the events of 1780, it was so dependent on Bengal for supplies, that no very vigorous opposition could be expected from it. Moreover, by investing Coote with the sole power of conducting the war, and by consigning to him in person the treasure intended for its maintenance, thus following the precedent set when Clive was dispatched from Madras to reconquer Calcutta in 1756, the Bengal government had not only marked its sense of the impotence or worse of the subordinate presidency, but it had also materially reduced the possible sphere of its activity. And besides this, Hastings had determined to mark in the most emphatic way the subordinate character of the Madras government by sending an agent of his own to watch over the execution of his agreement. He appointed Richard Sullivan resident with the nawab on behalf of the supreme government. For all these reasons he never regarded a prolonged struggle with Madras as a serious possibility, and indeed expected more opposition from Coote than from the presidency.³ While then the nawab was bent on playing off the supreme against the subordinate government, Hastings was resolved on conducting the whole affair under his own authority. In doing so he knew he was trespassing beyond the statutory limits of his powers. But against this he was entitled to plead the almost desperate

¹ Answers of the governor-general and council, 2 April 1781 (Madras Mil. Cons., 22 August 1781, fo. 2286).

² Hastings to Scott, 28 April 1781 (Gleig, ii. 371).

³ Hastings to L. Sullivan, 18 May 1781 (Brit. Mus. Add. MS. 29128, fo. 323v).

circumstances of the Company's affairs ; war at once with the Marathas, with Hyder, and the French ; the impossibility of long continuing to send great sums from Bengal to Madras as well as to Bombay ; above all the misconduct of the late governor of Madras and the uncertain character of his successor by the accident of seniority. All these together must have seemed to warrant almost any departure from ordinary rules if it offered any prospect of retrieving the Company's affairs.

But the circumstances on which Hastings's policy was founded had been fundamentally changed by the fact of Macartney's appointment. A mere interim governor had been replaced by one regularly appointed and invested with the authority of high rank and powerful friends. He was anxious to co-operate with Hastings. 'It is my good fortune', he wrote,

to be supported by the same persons as are attached to your welfare ; a confidence which, I trust, will lay a foundation of confidence and friendship between us. In this reliance it shall be my constant aim to give you my best assistance in forwarding public business.¹

But the co-operation to be expected from Macartney was not the implicit obedience which Hastings might perhaps have exacted from an obscure servant of the Company, uncertain of his position in India and lacking personal support in England. The fact was at once perceived by the governor-general. 'Had I known', he wrote on learning of Macartney's appointment, 'that a man of Your Lordship's character had been chosen to administer the affairs of that government, I believe I should have persuaded the Nabob to trust his interest in your hands.'² A few days later Hastings's private secretary wrote to Richard Sullivan directing him to explain the circumstances of his appointment and to resign it if Macartney desired.³ But this proposal seems to have been clogged with a condition, the origin of which I cannot determine, that Sullivan should be appointed resident with the raja of Tanjore. This was rejected by Macartney on the score of Sullivan's friendship with the raja's great enemy, the nawab.⁴

However, Macartney did his best, short of reducing himself to a cipher, to carry into execution the policy proposed in Bengal. On his motion the Madras select committee agreed that Bengal was virtually, though not explicitly, empowered 'to arrange the line of policy with independent princes' like the nawab, but that

¹ Macartney to Hastings, 27 June 1781 (Brit. Mus. Add. MS. 22454, fo. 1).

² Hastings to Macartney, 23 July 1781 (Barrow, i. 475).

³ R. Sullivan to the governor-general and council, 18 July 1783 (India Office Home Misc., no. 186, fo. 793).

⁴ Boyd to L. Sullivan, and R. Sullivan to the same, September 1781 (Brit. Mus. Add. MS. 29150).

the local government constituted the only agents through whom Hastings could negotiate with him.

We must therefore continue [they wrote] to give you the trouble of addressing ourselves to you immediately for your consent and approbation or for your instruction in the respective cases where we are authorized to apply to you for either of them.

As, they added, the government which Hastings distrusted had been changed, they hoped he would admit 'our claim to your exclusive confidence'.¹ This was followed three weeks later by a long private letter from Macartney to Hastings, justly described by the latter as 'most provoking'.² It was of great length; it was pompous; it was extremely tactless. Amid declarations of respect for Hastings's talents and character was intruded a homily on the governor-general's unwisdom in attempting to exert authority where he had not the means of commanding obedience; and after taking credit for not having received Sullivan with open defiance, as Macartney said his predecessor would have done, he pointed out that Bengal interference necessarily diminished the influence of the Madras government with Walajah.³ Much of this letter was very true; but the truer it was the more annoying it must have been; and from the general form in which many of Macartney's observations were couched, his letter had the air of a lesson addressed by a master to his pupil, ill according with the respect for Hastings's principles and character set forth in the exordium and peroration. This was quite unintentional. Writing to his friend Macpherson of this letter while the draft was still lying on his table, he says it will 'I hope . . . be agreeable to Mr. Hastings and put us on such a footing together as totally to prevent any future possibility of a misunderstanding'.⁴ In truth, even had there been no other subjects of grievance felt by Hastings—and there were many—this letter alone, though regarded by its writer with such complacency, was well adapted to lay a solid foundation of future dislike.

Meanwhile Macartney set to work on the basis indicated in the Madras official letter, ignoring Sullivan's appointment as resident and using the Bengal answers as a foundation on which to negotiate the real agreement. In this he was much assisted by the return of Coote from the field, loud in denunciation of the nawab's conduct.⁵ At last on 2 December the nawab was

¹ Madras to Bengal, 8 September 1781 (Madras Mil. Sundry, no. 59).

² Hastings to Scott, 13 April 1782 (Brit. Mus. Add. MS. 29154, fo. 92).

³ Macartney to Hastings, 28 September 1781 (Barrow, i. 482, &c.).

⁴ Same to Macpherson, 25 September 1781 (Brit. Mus. Add. MS. 22454, fo. 31).

⁵ Pearse to Hastings, 12 September and 18 October 1781 (Brit. Mus. Add. MSS. 29150, fo. 303; 29151, fo. 70).

brought to assign the whole of his revenues to Macartney in person; all revenue officials were to be appointed by Macartney subject to the nawab's approval; all revenue orders were to be issued by Macartney and communicated to the nawab; all revenues were to be delivered to the governor alone, who was to pay over one-sixth for the nawab's maintenance; and this arrangement was to last for five years.¹ This was a considerable success, achieved in the face of difficulties, which must have been increased by Hastings's reception of the nawab's mission in the previous spring. At the same time it should be added that Richard Sullivan does not seem to have attempted to obstruct the negotiation, and indeed claimed to have materially aided it.² But the chief credit must certainly be given to Macartney, who was neither pompous nor tactless until he took up his pen. The nawab's letters of this time to his agents in England were full of his praise.³

The next step was to carry the assignment into effect. For this purpose Macartney appointed a board, at the head of which he set Paul Benfield in consideration of his undoubted activity and knowledge of the country. At first it was intended not to disturb the nawab's revenue officials, but to place with them inspectors—*tahsildars* in the technical language of the time—to superintend their accounts and receive their collections. But the nawab could not be brought to yield to the proposed *tahsildars* the powers thought necessary to make their appointment effective.⁴ It was then decided to lease out the revenues. Proposals were invited; leases drafted and approved; but then, when the nawab was desired to sign the documents—*toranam chits*—empowering the lessees to collect the revenues, he refused.⁵ Moreover, there were indications of other forces at work to reduce the assignment to a formal concession without real effect. Before the assignment had been made Coote had declared that the revenue officials were making secret remittances to the nawab, though the latter was pretending to receive nothing.⁶ And after the grant, when such remittances were clearly contrary to the letter and spirit of the agreement, reports were received that the same practice was being continued. The commandant

¹ Assignment 2 December (Madras Mil. Cons., 4 December 1781, p. 3324).

² R. Sullivan to Hastings, 7 October, and to the nawab, 1 December 1781 (Brit. Mus. Add. MSS. 29151, fo. 70; 29158, fo. 273).

³ James Macpherson to Macartney, 29 June 1782 (Macartney MSS., Madras Record Office).

⁴ Bd. of Assigned Rev. to Macartney, 15 November; minute by Macartney, 27 November; and nawab to Macartney, n.d. (Madras Mil. Cons., 27 November 1781, fols. 3278, 3279, and 3287).

⁵ Madras Mil. Cons., 21 February, 3 and 17 April 1782 (fols. 481, 891, and 1049).

⁶ Coote to Madras, 20 September (Madras Mil. Cons., 29 September 1781, fo. 2760).

at Nellore, for instance, heard in January that the officials had received orders from the durbar to send down as much money as they could, but not to show it in their accounts.¹ The committee of assigned revenue reported that the officials were seeking to impede the collections.² This moved Macartney to examine the matter more closely, and both he and the select committee were convinced that the accusations on this point were true. The papers on which their belief was based were not recorded, for fear of injuring the persons from whom they came ; but they are said to have shown by what channel the nawab transmitted his secret orders and to afford ' the most convincing evidence that the nawab's agreement was never meant to be observed '.³ These papers were transmitted to Bengal with a letter in this sense,⁴ and appear to have passed without special comment. When at a later date the assignment became the principal bone of contention between the two governments, the governor-general and council never even hinted that these beliefs of 1782 had been ill-founded. I conclude that the documents convinced Hastings as well as Macartney. On 4 July, for example, acknowledging letters down to 1 May, the Bengal government observed :

We shall only express our satisfaction with the declaration . . . that you will persevere in the entire execution of your duty, maintaining at the same time all the respect and attention towards the Nabob himself that can be possibly reconciled with the faithful and upright discharge of the trust reposed in you.⁵

Meanwhile, as the nawab would not give full effect to his assignment, Macartney and the select committee resolved to give it full effect of themselves. As the nawab would not sign the *toranam chits*, Macartney signed them.⁶ It was a bold and vigorous measure, easily capable of misrepresentation, and certain to provoke underhand, if not open opposition. But the need of the times was great. In spite of the ready and constant assistance that Bengal was affording in grain, military stores, and money, the army arrears were fast increasing, and Coote's declarations that he could not go on without more cattle and more money becoming louder and louder. Moreover, the action seemed to be approved in anticipation in a letter from the Bengal government in apparent answer to earlier complaints of the obstruction of the

¹ Capt. G. Campbell to Macartney, 31 January (Madras Mil. Cons., 15 February 1782, fo. 457).

² Madras Mil. Cons., 21 February 1782 (fo. 480).

³ Minute, Madras Mil. Cons., 19 March 1782 (fo. 785).

⁴ Madras to Bengal, 20 March 1782 (Madras Mil. Cons. 1782, fo. 824).

⁵ Bengal to Madras, 4 July (Madras Mil. Cons., 7 August 1782, fo. 2335).

⁶ Madras Mil. Cons., 17 April 1782 (fo. 1057).

nawab's officials. They had hoped, they wrote, that the assignment

had precluded every possibility of future difference or competition. It was not like a line of accommodation. . . . It was the absolute surrender of every portion of participated power and of independent property on one part to the entire and unreserved possession of the other. When you had contended for so great an acquisition with so fortunate an issue, you must allow us to express our regret that you should have suffered any consideration, even of delicacy towards the Nabob, or attention for those feelings which it might be natural for him to retain for the interest of the Carnatic, which was still eventually his, to restrain you from availing yourselves of it with an effect as complete as the desperate necessity, which alone could warrant your having exacted such a concession, inevitably commanded. . . . We mean not to convey censure, but to impress confidence. To persons whose integrity we did not hold in the highest estimation, we should not offer the advice which we now give to you, which is, that you do assume and exercise the entire and undivided administration of the revenues of the Carnatic, and every other power connected with it—in a word, the whole sovereignty, if it shall be necessary to the effectual exercise of such a charge. . . .¹

So far, in spite of differences tactlessly expressed on the subject of the Bengal resident, Macartney had succeeded in using the Bengal agreement to procure a real transfer of the nawab's revenues, and in enforcing that transfer he had kept within the limits of what Hastings considered legitimate action. Now a new factor was introduced. The nawab, having failed to divide the Bengal and Madras governments, cast about for another ally, and pitched upon Coote. His choice was evidently determined by the fact that Coote was on the worst possible terms with the Madras government, as indeed he had been with every government under which he had served in India. On 16 May the general wrote to the governor-general and council :

I lose not a moment in forwarding to you copies of papers this morning received from H.H. the Nabob Walajah, containing no less than a delegation of the whole powers of his government to me during the continuation of the present troubles in his country.

These have been equally voluntary on the part of H.H. as they have been unsolicited on my part. I have not yet replied to them, but shall do it in terms which shall declare my acceptance of the powers only in so far as they may not interfere with those authorities which the Rt. Hon. Lord Macartney and the Select Committee of Fort St. George have already assumed to themselves in the management of the Nabob's affairs, and on which H.H. having already made a reference to your government as violent grievances, invasions of his rights as prince of the country, and direct breaches of public faith, they must naturally receive your decision, and

¹ Bengal to Madras, 5 April 1782 (Madras Mil. Cons., 29 April 1782, fo. 1191).

which may probably not have been given before the enclosures shall have reached you. . . .

For obvious reasons I shall not communicate the contents of the enclosures to the Madras Government verbatim, but when H.H.'s naib Nedjieph Cawn joins me, shall simply acquaint them that he is sent by H.H. to ratify all acts which from the latitude recommended to be left to me by your government, I may in the course of the service perform in H.H.'s country and with his subjects.¹

Among the enclosures was a circular addressed by the nawab to all his officials :

Know that at this time, in consideration of the critical situation of affairs, I have devolved my powers of government during the continuance of the enemy's troubles in this country upon Seyf ul mulk Intazam ud daulat General Sir Eyre Coote Bahader Nusseer Jung . . . and that I have delivered my seal unto Mahomed Nuzief Cawn Bahader Salaur Jung, who is appointed to attend the General Bahader for the issuing of orders and determinations in all affairs of my government and revenue as the General shall see proper. You are therefore to obey all such orders.²

No one can be surprised that Walajah, when one intrigue had failed, should have embarked on another. But Coote's disingenuous intention of concealing the intrigue from the local government places in a strong light the difficult circumstances, the lack of proper order and subordination, with which affairs were being carried on. And Coote's behaviour in this matter was futile as well as disingenuous. Within a week Macartney had received a substantially accurate account of the nawab's offer ;³ and it was thus Coote's own fault if Macartney regarded him with distrust as well as dislike. But more lay behind the affair than this. I have already mentioned Coote's early hostility towards Walajah. He had not hesitated to accuse the nawab's younger son and chief agent, Amir-ul-umara, of a treacherous correspondence with Hyder.⁴ He had himself urged Macartney to seize the entire management of the country.⁵ In his private talk he had declared that he would like to see Walajah deposed and Hyder's son set up in his stead ;⁶ and his return to Madras in the autumn of 1781 was thought to have terrified Walajah into an unexpected compliance with Macartney's demands.⁷ So late as 3 February 1782

¹ Coote to the governor-general and council, 16 May 1782 (India Office, Home Misc., no. 170, fo. 227).

² *Ibid.*, p. 223.

³ Macartney to Hastings, 22 May 1782 (Barrow, i. 488, &c.).

⁴ Coote to Hastings, 24 November 1780 (Brit. Mus. Add. MS. 29146, fo. 302).

⁵ Coote to Madras, 11 September (Madras Mil. Cons., 15 September 1781, fo. 2494).

⁶ Pearse to Hastings, 12 September and 18 October 1781 (Brit. Mus. Add. MSS. 29150, fo. 301 ; 29151, fo. 149).

⁷ Macartney to John Macpherson, 27 November 1781 (Brit. Mus. Add. MS. 22456, fo. 7v).

the nawab was alarmed at Coote's dispatch of an agent to represent at Calcutta his complaints against Macartney's alleged interference with his military operations ;¹ and, indeed, one of the points which his agent was to have secured was an order to Macartney to exercise the whole sovereignty of the Carnatic in order to provide Coote with the cattle he required for transport.² This seems to be the real explanation of the motives underlying the Bengal dispatch of 5 April quoted above. The strong contrast between this early hostility and the sudden trust betrayed by the nawab in the following May strongly suggests the operation of underground interests, of which indications still survive.

The agent whom Coote had sent to Bengal early in February 1782—before the crisis in the relations between Macartney and the nawab emerged in the following April—was his Persian interpreter, Graham. This man had already betrayed a desire to use his position to advantage. In the previous year Benfield had brought to Macartney with great indignation a letter which Graham had addressed to the nawab desiring to be appointed *amaldar-general*, i. e. receiver-general of the revenues.³ Benfield himself at that time was regarded as an enemy by the durbar ; and he, it will be remembered, had been named president of the board established by Macartney to administer the assigned revenues. Benfield's indignation was therefore not only natural but—what was uncommon with him—proper as well. Before the end of 1781, however, Benfield and Graham had sunk their rivalry, and in December Benfield was offering, with Coote's support and approval, to contract for the supply of bullocks in the field.⁴ Macartney and the select committee considered his terms unreasonable and rejected the offer, but transferred Benfield from his place at the board of assigned revenue to the office of bullock-agent. Benfield here making further difficulties, he was soon removed and left without specific employment. After having at first taken part with Macartney against the nawab, he was now changing sides and allying himself with Coote and Graham against the governor. As his sole business in India was to secure payment of his claims on the nawab's treasury, the process needs no explanation. The next step was to knit up his former friendship with the durbar. By the end of February, while Graham was still absent in Bengal, Benfield became a constant attender at the nawab's court, and was believed to have

¹ R. Sullivan to Hastings, 3 February 1782 (Brit. Mus. Add. MS. 29153, fo. 23).

² Hastings to Coote, 21 March 1782 (Gleig, iii. 5-6).

³ Macartney to John Macpherson, 20 January 1782 (Brit. Mus. Add. MS. 22456, fo. 27v).

⁴ See my article 'Transport and the Second Mysore War', in *Journ. of the Army Historical Research Soc.*, January 1925.

recovered his former standing with Amir-ul-umara.¹ Macartney had watched these proceedings with strong indignation. 'You say', he wrote to John Macpherson, who had urged a more conciliatory treatment of his friend,

that upon the records Benfield's treatment has been harsh. Can he or any friend of his seriously complain that there is not upon the records what might have been put there? Out of regard to your friends and mine who recommended him to me, I avoided what any other man less calm and less guarded than myself would have published with a malignant joy. . . . Remember what I once told you, *Il finira mal*.²

Cartouche or Jonathan Wild, Macartney concluded, would make better members of the revenue board than Paul Benfield.

When Graham returned from his Bengal mission, he thus found Coote and the nawab linked together by their common enmity for Macartney and their common friendship for Benfield. When in these circumstances the nawab made his grant to Coote, we can make a very probable guess at the hand at work. No doubt Coote spoke the literal truth when he declared the grant to be unsolicited by him; but that does not exclude solicitation by Benfield and Graham or obscure the fact that the enforcement of Coote's *sanad* would have meant the administration of the Carnatic, not by the petulant but gallant old soldier, but by that precious pair of allies, Benfield and Graham. The fact again illustrates the incalculable difficulties of governing British India at this period. Good government is scarcely possible amid conditions which permit such intrigues to be conducted with impunity.

The next step was to seek once more the support of the Bengal government. The matter was not without difficulty. The declaration of 26 February 1781, the approval of Macartney's agreement,³ the dispatch of 5 April 1782, were all obstacles in the way. Hastings seemed irrevocably wedded to the assignment; John Macpherson, the new member of council who had arrived in the autumn of 1781, was a friend of Macartney's; Macartney himself, with friends on each side of the house, was a threatening opponent in an unstable situation. All that could be set against this was the acquisition of the support of Coote and Benfield. It is likely that the latter reckoned on being able to exert more influence over Macpherson than the governor of Madras could do. In June, therefore, Asam Khan was sent back to Bengal, and on 1 July submitted the nawab's complaints to the supreme council.⁴ At

¹ Macartney to John Macpherson, 26 February 1782 (Brit. Mus. Add. MS. 22456, fo. 49).

² *Ibid.*

³ Bengal to Madras, 11 March (Madras Mil. Cons., 6 April 1782, fo. 928).

⁴ Representation of Asam Khan, 1 July 1782 (India Office, Home Misc., no. 173, fo. 155). Mill puts this six months later.

first they produced no visible effect. The council officially and Macpherson privately assured Macartney that the rumours he had heard of coming Bengal interference were unfounded.¹ Nor did this language differ from that which they held to Coote. This is plainly shown by their reply to Coote's letter announcing the nawab's grant :

While we were reading your letter of the 16th May [they wrote] . . . it impressed us with the greatest apprehension both for the safety of the country and of the army under your command, as we plainly saw that it was an expedient imposed on the Nabob's better understanding to engage him in the commission of an act which not only intended to divide the powers of the Carnatic optionally surrendered by the Nabob himself to the government of Fort St. George in the name of Lord Macartney, and deprive it of the means of affording those supplies of money which are necessary for the expence and subsistence of the army, but to oppose the powers of our own government in a competition which could not fail to prove fatal. We were much relieved when we proceeded and found that your prudence had suggested to you the most salutary precaution of declining the exercise of those powers and even of concealing their existence until you had consulted us with respect to the propriety of using them. It is clearly our opinion and we make it our request that you will regard those powers as invalid in themselves. . . . We cannot enter into the discussion of the reciprocal complaints which have been made by the Nabob and by the President and Select Committee of Madras respecting the assignment made to Lord Macartney, the artifices affirmed to have been used to re-obtain it or to render it abortive, or the ill-use which on the other hand the Select Committee are charged with having made of it. The worst consequences that can happen from such a contest would not be equal to a tenth part of the mischief which would be produced by our remote interference in the attempt to judge and decide between them. The conclusion of the war will of course replace the constitution of the Carnatic and the Nabob's rights as connected with it on its original footing, and to that period we can look, less however for the redress of the past than the prevention of future evils.²

Not until 21 October did the language of the Bengal government begin to change, with a mention of heavy complaints received from the nawab.³ This letter was drafted the day of Coote's arrival at Calcutta and passed in council two days later.

In October 1782 the Bengal council consisted of Hastings, Coote himself, Wheler, and John Macpherson. Stables arrived and took his seat early in November. The three who counted were Hastings, Coote, and Macpherson ; and the opinions of each had undergone much change. Coote now was, as we have

¹ Bengal to Madras, 5 August (Madras Mil. Cons., 2 September 1782, fo. 2668) ; and John Macpherson to Macartney, 31 August 1782 (Bodleian MS., Eng. Hist., c. 112).

² Bengal to Coote, Secret and Mil. Cons., 4 July 1782 (fo. 324, &c.).

³ Bengal to Madras, dated 19 October, but passed in council 21 October (Madras Mil. Cons., 9 November 1782, fo. 3489).

seen, hot for the abolition of Macartney's assignment, and eager to add the administration of the province to his duties in the field. Hastings's opinions were, as might be expected, much more complex. In the first place he had strongly advocated in 1781 the assumption of the Carnatic revenues and administration because he saw clearly that Bengal could not long continue one war against the Marathas at Bombay and another against Hyder at Madras. He had approved the assignment which Macartney had negotiated and for some months continued to support it. But in the course of 1782 the situation had been materially improved by the conclusion of a peace with the Marathas. News of the treaty of Salbai reached him on 5 June; he had thus driven a formidable wedge into the confederation of Indian states which had threatened the Company's existence; and extreme measures were no longer of the same prime necessity. Secondly, he had always desired to set the relations with Arcot on a regular footing. He had, at the height of the quarrel over Tanjore, insisted that that province was nothing more than a *zamindari* of the Carnatic and that the nawab had every right to do with it as he pleased, to treat the raja as Hastings treated Chait Singh. This attitude had somewhat softened the general disapprobation with which North and the king at that time had regarded him; and the thought of how the transaction might be regarded in England must sometimes have occurred to Hastings, who until the autumn of 1782 believed that the North-Sullivan combination still dominated eastern policy there, while Benfield, whose friends had consistently supported Hastings, was now a resolute enemy of the assignment. Home influences therefore worked for lending a favourable ear to the nawab's complaints. Thirdly, Hastings had developed a strong, though unfounded, belief that Macartney was attempting to undermine his position at home. In a letter to Scott, written in April, after other complaints of Macartney's conduct, he had added:

The second symptom is contained in a letter from the old Nabob Walajah. . . . I doubt the facts stated in this representation, and yet I fear their reality. Show it and the whole of this letter to Mr. Sullivan, and join your endeavours with his to discover whether it be true that Lord McCartney has written against me to England and what he has written.¹

The source of this accusation is not hard to conjecture. Benfield had renewed his intimacy with the durbar, and there were floating rumours that Macartney was making interest to secure the government of Bengal. He had implored Macpherson to contradict them,² but without result. A few months later, in July, news

¹ Hastings to Scott, 13 April 1782 (Brit. Mus. Add. MS. 29154, fo. 92).

² Macartney to John Macpherson, 3 December 1781 (Brit. Mus. Add. MS., 22456, fo. 8v).

came out that Sullivan and his friends were endeavouring to secure Macartney's appointment in succession to Hastings. Macartney again wrote to Macpherson—his private correspondence with Hastings had been dropped—declaring that he did not desire it and adding :

I wish you would mention this matter to Mr. Hastings, who possibly might think me uncandid in not communicating a thing to him in which he was interested, and conceive that a movement at home originated here, which I assure you is by no means the case and of which I could without difficulty give you the fullest demonstration.¹

Macpherson again failed to comply with his friend's request, and so Hastings was left to consider the news as proof of his suspicions. Not until the following year did Macartney learn what had taken place, and then 'If Zoffani', he wrote bitterly, 'had a mind for a figure that would betray when he flattered and destroy where he could not but approve, he might possibly light upon a countenance for a Judas in a corner'.² The false idea of Macartney's conduct thus left upon the mind of Hastings must have strongly predisposed the latter to condemn his policy in the Carnatic. The man who could betray the governor-general while he wrote him flattering letters was also capable of crooked conduct towards the nawab. Fourthly and lastly, there were considerations of his own council. Coote's attitude was known and Macpherson's calculable. He had had much to do with the nawab; he had acted as his agent in England; he was a close friend of Benfield, and had been joined with him in representing in the house of commons the corruption of Cricklade. In the previous year, when Coote had intended to spend the north-east monsoon in Bengal, one of his staff had let slip out in the course of a dispute a projected alliance between him and Macpherson.³ On that occasion Coote had changed his mind about returning to Bengal; but when he actually did go a year later the probabilities of such an alliance had been increased, for he had been drawn over to the nawab-Benfield combination.⁴ In the previous July he had been complaining to Macpherson of the assignment and its iniquities.⁵

Consequently in October 1782 there was every reason to expect that Coote and Macpherson would be strongly on the nawab's side, while Hastings had many reasons for taking up the same attitude. But about this time there arrived in India the news

¹ Macartney to John Macpherson, 26 July 1782 (Brit. Mus. Add. MS. 22454, fo. 69).

² Same to Dunkin, 23 August 1783 (Bodleian MS., Eng. Hist., c. 101).

³ Pearse to Hastings, 6 October 1781 (Brit. Mus. Add. MS. 29151, fo. 50).

⁴ On this occasion Pearse repeated his former warning, 23 October 1782 (Brit. Mus. Add. MS. 29156, fo. 234).

⁵ Coote to Hastings, 13 July 1782 (Brit. Mus. Add. MS. 29040, fo. 123).

that North had fallen ; that the new chairs at the India House were enemies of Hastings ; and that Burke and other members of the Rockingham party, who had already displayed great hostility against both the nawab and Benfield, were likely to enjoy great influence over the Indian policy of the new government. This news broke the prospective unity of the Bengal council. Till then Macpherson had, it seems, desired a breach between Hastings and Macartney, in order to deprive the latter of the support of Hastings's friends and so reduce the chances of a rival for the succession to the chair in Bengal. But he now probably began to reflect on the danger of breaking with a man who had many friends in the new ministry. Wheler, too, who so long as North remained in power and friendly to Hastings would have continued to vote for whatever measures the governor-general recommended, now was inclined to revert to his former attitude of opposition, true to his great principle of forwarding ministerial views.

Much light is thrown on the course of events at this time by a letter written by Hastings early in the following year :

In consequence of many private discussions of the Nabob's complaints, I had drawn a letter to the Presidency of Fort St. George stating the necessity on political grounds of restoring the Nabob his assignment and accepting his offers in lieu of it, leaving the examination of his complaints to a future and deliberate enquiry. He [Macpherson] approved the letter and even undertook to convince Mr. Stables who hesitated of its propriety, in which he succeeded. Stables visited the old General [Coote] at Ghyretty, and informed him of the resolution which we had taken. He eagerly insisted on being a party to it. When the Board met a few days after, Mr. Macpherson to my great astonishment produced the draft of a letter which he had prepared, in which he agreed in the principles of mine, but instead of the same conclusion, offered a simple opinion that Lord Macartney and his committee ought to do of their own accord what we had before agreed to enjoin them to do by our authority. . . . A fortnight was lost in private debate about it. At length the old General made his sudden appearance at the Board which had assembled for the despatch of public business [6 January 1783]. I proposed out of respect to him to confine our attention to whatever subjects he might wish to bring before us, and he to my great relief began a long discussion about the unsettled state of the government of the Carnatic and his own powers, which I put into the form in which you see it, adhering as closely as I could to his matter, but giving it an official form.¹

At this point the matter comes into the official records. The Bengal Secret Consultations of 6 January contain the minute which Hastings thus drafted for Coote. It declares Coote's intention of returning to Madras to resume his command, but desires the board as a necessary preliminary to settle two matters :

¹ Hastings to Scott, 7 February 1783 (Brit. Mus. Add. MS. 29129, fo. 48).

one, the nawab's proposals regarding the provision of grain and cattle on condition of the restoration of his assignment ; the other the question of Coote's powers as commander-in-chief and his desire to be freed from all authority but that of the governor-general and council.

It was then resolved [Hastings continued in the letter above quoted] to enter judicially into the charge alleged by the Nabob against Lord Macartney, and with four or five days' hard work we got through it, Mr. Macpherson to the last objecting to the order for restoring the assignment nor yielding till I had mentioned my resolution of putting it to the vote. . . . On this I put him in mind that we had been both of one mind and had taken some pains to engage the concurrence of all the other members.

Under this constraint it was unanimously resolved that Macartney and the select committee at Madras had broken an essential condition of the assignment by their usurpation of sovereign power in the Carnatic in appointing renters in their own names, that this involved a breach of the so-called Bengal treaty of 2 April 1781, that the nawab was entitled to redress in order to retrieve the national faith, that the assignment was therefore cancelled, that the nawab's offers to provide a third more supplies and money than had been obtained under Macartney's administration should be accepted, and that Richard Sullivan should be sent back to Madras with the instructions prepared for him in 1781.¹ At this time Hastings contemplated Coote's early return to the Carnatic with provisional orders of suspension against Macartney if he should oppose the orders of the governor-general and council. 'Sir Eyre Coote will support and enforce our resolutions,' he wrote.² But soon after Sullivan and Asam Khan had set out with their dispatches they learnt that the new court of directors had disapproved the Bengal agreement of 1781 and had dismissed Sullivan for the part which he had played in it.³ But along with this came news of Rockingham's death and the disappearance from office of Hastings's particular enemies. On this Hastings took heart of grace, and promised all the support he could give to Sullivan, who then continued his journey.⁴ But Coote's instructions were still undrafted, and when they at last came up for consideration the opposition which Hastings had overborne in January now proved too strong for him. On 10 March the council agreed that Coote should have complete control of all military operations ;⁵ but when on 15 March Hastings propounded to the council two questions—were they

¹ Bengal Secret Cons., 8 January 1783 (Forrest, iii. 909).

² Hastings to Scott, 6 February 1783 (Gleig, iii. 41).

³ R. Sullivan to Hastings, 15 February 1783 (Brit. Mus. Add. MS. 29158, fo. 173).

⁴ Same to same, 7 March 1783 (*ibid.* fo. 360).

⁵ Bengal to Madras, 10 March 1783 (Madras Mil. Cons., 1783, fo. 1410).

committed to the enforcement of their late orders, and would Macartney expose himself to suspension should he resist them?—one councillor preferred to give no opinion, a second objected to giving contingent orders, a third considered they should wait for news from Madras, so that Coote and Hastings alone gave definite opinions, Coote answering both questions with an emphatic affirmative, and Hastings declaring that he was unalterably resolved however much others might temporize.¹ But they were now in a minority. Coote's instructions accordingly referred him merely to the official letter touching his military powers and to their resolutions touching the assignment. They included no directions for Coote's guidance in case those resolutions were disobeyed.² The project of suspending Macartney as Coote had suspended Whitehill in 1780 had been laid aside; and, as Hastings wrote, the board might censure Macartney but would do nothing more.³

Meanwhile news of the earlier intentions had reached Madras. Early in January reports were circulating 'that General Coote and Assum Cawn . . . are shortly expected from Bengal with powers to restore all the countries to His Highness'.⁴ Macartney, fortified by the Company's disallowance of Hastings's measures of 1780, prepared for resistance. He packed up and hid his papers.⁵ He and the select committee resolved no longer to recognize the military powers which Bengal had claimed for Coote.⁶ They ignored the Bengal orders to surrender the assignment. On Coote's arrival, and after his death which immediately followed, they strove hard to get hold of his instructions as material for their interminable controversy. In June they composed 140 large folio pages on the subject of their retaining the assignment,⁷ and the matter degenerated into a war of words. In August Bengal addressed the council,⁸ hoping to find support in the jealousy with which the larger might be supposed to regard the smaller body. Failing in this they resolved at the end of the year to await the Company's orders.⁹ Eighteen months later the orders came. The assignment was cancelled, and the administration was restored to the nawab.

In this singular story several points demand a word or two of comment. The first is the utterly unmanageable nature of the

¹ Minutes printed in Forrest, iii. 927, &c.

² Coote's instructions, Bengal Secret Cons., 24 March 1783.

³ Hastings to Scott, 22 March 1783 (Gleig, iii. 44).

⁴ Madras Mil. Cons., 11 January 1783, fo. 193.

⁵ Macartney to Dunkin, 30 April 1783 (Brit. Mus. Add. MS. 22459, fo. 50^v).

⁶ Madras to Bengal, Madras Mil. Cons., 17 April 1783, fo. 1622.

⁷ *Ibid.*, 16 June 1783, p. 2348.

⁸ Bengal to Madras, 15 August 1783 (*ibid.*, 11 September 1783, p. 3937).

⁹ Same to same, 10 December 1783 (*ibid.*, 6 January 1784, p. 14).

machine created by the Regulating Act. It had annihilated sovereignty in British India. 'If it had pleased the wisdom of Parliament', Hastings wrote in 1780 with profound truth,

to have removed me from my office in the year 1774 and to have supplied my place with a man to whom the superior administration and the Court of Directors could have given their confidence, had he but possessed a moderate understanding with experience and integrity, all the ills which have befallen the country might have been prevented.¹

But as it was, the policy of Hastings was being perpetually counteracted by the policy of the home government. The way in which they clashed is curiously illustrated by the episode which we have been considering. For instance, there was the sudden and completely unexpected departure from custom involved in the appointment of Macartney. This was the act of his friends, the first-fruits of the North-Sullivan understanding which seemed to promise Hastings that consistent support which was the one thing he needed. But Macartney's appointment was clearly inconsistent with that policy towards Madras which Hastings had adopted. So far the conflict of policies was accidental. But when in 1782 Hastings's Carnatic policy came up for review by a new and hostile ministry, by a new and hostile court of directors, its rejection was certain. And yet the circumstances in which this rejection was communicated to Hastings were such as to deprive it of finality. When the news reached India it was accompanied by other news that the hostile ministry had disappeared with the death of Rockingham; so that there still appeared a possibility that Hastings's policy might yet be upheld. How was it possible when every new packet might contain news of a fresh political combination, and a reversal of the Indian policy last adopted, to frame and execute any consistent plan for the conduct of Indian affairs?

Secondly, the episode throws into high relief the inadequate degree of control vested in the Bengal council by the Regulating Act. It was enough to tempt interference; it was too little to ensure obedience. In some circumstances a peccant governor might be suspended; but his successor could not be selected, and the man designated by seniority might well be no more suited to the chair than his predecessor. Moreover, the only method by which to secure the execution of such commands was to confide their execution to a military officer.

Thirdly, the episode exhibits a typical example of Hastings's policy towards the native states. He sharply discriminated independent princes—the nawab wazir of Oudh, the nizam, the nawab of Arcot—from dependents such as the raja of Benares

¹ Hastings to L. Sullivan, 10 November 1780 (Gleig, ii. 329).

or the raja of Tanjore. The former were sovereigns and to be treated as such ; to be bound to the sovereign of Great Britain by alliances, and protected in their rights by formal treaties. A league between certain of them and Great Britain could give the law to India and impose peace on the refractory. But to secure their willing co-operation the strictest justice must be displayed in our dealings with them. Only the last necessity could induce Hastings to direct the Madras government to assume the sovereignty of the Carnatic ; and the instant that necessity began to lighten he recoiled to his normal ideas of the proper relations between the English and the princes of India.

Lastly, the Hastings of 1781-5 is no longer the man who in 1772 set himself to create a new administration in Bengal, or in 1774 was subjected to the fierce vexation of wasting his genius in sterile conflict with men incomparably his inferiors. His marvellous control of temper had weakened. He had become over-ready to make use of force, and, if he could, would undoubtedly have sent Coote back to Madras in 1783 to suspend Macartney, just as in 1781 he had himself arrested Chait Singh. Having met with so much groundless enmity, he had grown suspicious and saw an enemy in an honest man who had been anxious to co-operate with him. Being at a great distance from Madras he judged the situation there imperfectly, and misapprehended alike the intentions of the nawab and the purposes of the select committee. He allied himself with the disreputable Benfield. In these ways he shows to disadvantage. But so I fear does every one else in this particular story. Coote is a child in the hands of intriguers ; Macartney lacks the breadth of mind to judge Hastings aright or to look beyond the borders of his own province ; Macpherson alienates each friend in turn by his crooked timidity. All were playing at cross purposes. But what set them at this vicious game was the well-intentioned but unwise provisions of the Regulating Act. H. DODWELL.

Notes and Documents

The Vita S. Danielis Stylitae

THE interest of the life of St. Daniel,¹ the stylite saint of Anaplus² on the shore of the Bosphorus, who was the contemporary of the emperors Leo I, Zeno, and Anastasius, has been inadequately appreciated by modern historians. Thus, though the *Vita* is noted in the bibliography of Professor Bury's recently published *History of the Later Roman Empire*, I cannot find that he has made any use of it in his text. I desire in this note to suggest that even for the student of civil affairs the *Vita* may be of real service.

On its authority we can now complete our biography of the famous prefect Cyrus,³ who διὰ τὴν ἄγαν ἀγχινοίαν (150, 19) had held all the highest offices. We are here told that it was through the agency of Chrysaphius,⁴ the Spatharius, that he fell into disgrace (150, 20), and was made the bishop of a mere πολίχνη, Cotyaeum in Phrygia. Further we learn for the first time that after the death of Theodosius II and the fall of Chrysaphius Cyrus escaped from this ecclesiastical servitude, became a layman once more, returned to Constantinople, and lived there through the reign of Marcian; he ultimately died under the Emperor Leo, leaving all his possessions to be given in charity to the poor of the capital.⁵

We also obtain from the *Vita* some insight into the use which an emperor could make of the prestige of a stylite saint. There

¹ Published by H. Delehaye in *Analecta Bollandiana*, xxxii (1913), pp. 121-229, and in *Les saints stylites*, Brussels, 1923; on the *Vita* see the introduction to this book, pp. xxxv-lviii. The references in this note are made to the publication of 1913; for reference to the text in *Les saints stylites* subtract in each case 120 pp. from the figure given here.

² For the topography of Anaplus and the European shore of the Bosphorus compare J. Pargoire in *Izvestiya Russkavo Arkheologicheskavo Instituta v Konstantinopole*, iii. 60-97.

³ Cf. Bury, *Hist. of the Later Roman Empire*, i. 228.

⁴ Cf. O. Seeck, s.v. in Pauly-Wissowa, *Realencyclopädie*.

⁵ 150, 23-7. For the cure of his daughter Alexandreia see 151, 1-7; for the cure of another daughter (ἡ μεῖζοτέρα (154, 3) see c. 36, where the inscription which Cyrus carved on the pillar is cited. This inscription, which recurs in the Anthology, i. 99, has been studied by H. Delehaye, *Revue des Études grecques*, ix (1896), pp. 216-24, and for the manuscripts of the Metaphrastic redaction containing the epigram compare H. Delehaye, *Les saints stylites*, pp. xl, xli.

were points of difference between Gubazes, king of Lazica, and Leo.¹ Gubazes had come to Constantinople and was taken by the emperor to visit the stylite; he was immensely impressed by the sight.² The saint acted as mediator between the two sovereigns, and on the basis of that intervention a treaty was concluded.³ The king on his return to his own country spread abroad the praises of the saint, as the writer learned from Caucasian envoys who came later to the capital. Gubazes continued to write frequently to the saint requesting his prayers. This is an important chapter, for it helps us to understand the statements of Procopius,⁴ ἐπεὶ ἐκ παλαιοῦ οἱ Λαζῶν βασιλεῖς ἐς Βυζάντιον πέμποντες βασιλέως τε γνώμη ξυνιόντες ἐς κηδὸς τισι τῶν ἀπὸ τῆς συγκλήτου βουλῆς γυναῖκας ἐνθένδε γαμετὰς ἐκομίζοντο, καὶ Γουβάζης ἀμέλει Ῥωμαίας γυναικὸς ἐγεγόνει γένος.⁵

In the early years of the reign of Leo Ardaburius the son of Aspar was 'magister militum per Orientem' (στρατηλάτης τῆς Ἀνατολῆς).⁶ He and his father were all-powerful; that power is reflected in the words of the Syriac life of Symeon the stylite, 'Zur Zeit als der Heilige Herr (sc. Symeon) verschied,'⁷ war nämlich Heerführer mit dem Oberbefehl über den ganzen Osten der General Ardabur, der Sohn des Aspar, welche wie Könige geehrt wurden in ihren Gebieten'.⁸ Leo had proved, however, that he was not prepared to act as the docile tool of the alien king-maker. He must, therefore, be shown that Aspar and his son, supported by the army, were still indispensable. This could be most easily demonstrated if the empire were involved in a serious war. From the *Vita* we learn for the first time that Ardaburius incited the Persian king to break the peace and to invade Roman territory; he promised to co-operate with the Persian forces in this attack. This treasonable correspondence fell into the hands of the Isaurian Zeno, the future emperor, and was carried by him to Constantinople. Leo summoned a κομβέντον, and when the senate had assembled he ordered Patricius, the master of the offices—later the paramour of the Empress Verina—to read the letters aloud. He then asked for the judgement of the senators. There was silence. Turning to Aspar, Leo said,

¹ c. 51.

² οὐδέποτε γὰρ εἶδον ἐπὶ τῆς γῆς τί ποτε τοιοῦτον (169, 11–12).

³ καὶ γίνεται ὁ ὅσιος μεσίτης τῶν συνθηκῶν περὶ ὧν ἀλλήλους ἐπληροφόρησαν (170, 1–2).

⁴ *De Bello Gothico*, iv. 9; Hanry, ii. 526, 16.

⁵ This earlier Gubazes is not mentioned in Pauly-Wissowa, s. v., though a notice of his successor of the time of Justinian is given.

⁶ c. 55.

⁷ Probably A. D. 459; cf. Hans Lietzmann, *Das Leben des heiligen Symeon Stylites* (*Texte und Untersuchungen*, xxxii. 4), Leipzig, 1908, pp. 232 ff., and Delehaye, *Les saints stylites*, pp. x–xv.

⁸ Translation of H. Hilgenfeld in Lietzmann, p. 177; and cf. Index, s. v.

'These are pretty things which your son is plotting against the monarchy and the Roman state!' 'Master,' Aspar replied, 'the matter is in your hands; after hearing this document, I admit that I am unable to control my son. For I have often sent to him advising him and warning him not to destroy himself; now I see that he is acting in defiance of my words. Do what your piety thinks fit: deprive him of his office: bid him present himself, and he shall make his own defence.' Leo forthwith deprived Ardaburius of all military authority (ὁλοπαγανὸν πεποίηκεν (174, 16)) and summoned him to the capital. Jordanes, formerly κόμης σταύλων (167, 11), was made 'magister militum per Orientem' and Zeno was appointed count of the domestics. The emperor went to Anaplus, explained the whole matter to Daniel, and presented Zeno to the saint (c. 55). These events happened after the fire of the year 465; we should place them in 466 or (more probably) 467.

This chapter too is important. We now know how Zeno was brought to the notice of Leo; we are now able to put into its historical setting the creation of a new corps of palace troops, the Excubiti or Excubitores.¹ These were doubtless the followers of the Isaurian κόμης δομεστικῶν. Further, we can now understand the reason why neither Aspar nor Ardaburius was given any command in the great expedition against the Vandals of A. D. 468: the family of Aspar had compromised itself too deeply. Indeed, the next chapter of the *Vita* gives us the explanation of the dispatch of this expedition; a report had reached Constantinople that Gaiseric was about to attack Alexandria καὶ οὐ μικρὸν ἀγῶνα εἶχεν περὶ τούτου ὁ βασιλεὺς καὶ ἡ σύγκλητος καὶ ἡ πόλις.² Leo sent Hylasius τὸν σπαθάριον αὐτοῦ εὐνοῦχον³ to Daniel, who comforted the emperor with the assurance that neither Gaiseric nor any of his should ever look upon Alexandria. When told that the king intended to send an army⁴ against Carthage, the saint was optimistic: ὁ δὲ Θεὸς ᾧ λατρεύω καὶ τὴν ἐυσέβειαν ὑμῶν ἄθλιπτον διαφυλάξει καὶ τοὺς ἀποστελλομένους ἐνισχύσει κατὰ τῶν ἐχθρῶν τῆς βασιλείας. Daniel's biographer adds, ἅπερ τῇ τοῦ Θεοῦ χάριτι καὶ γεγόνασιν.⁵ Whether Leo shared this view may well be doubted. In this state of affairs it was only natural that on the failure of the expedition Aspar should have been suspected of treachery; there may well be some truth in the statement of Hydatius that Aspar was at this time degraded from office.⁶

¹ See Bury, i. 318; John Lydus, *De Mag.* i. 16.

² 175, 5-6.

³ 175, 7.

⁴ ἐξέρκετον (175, 14).

⁵ 175, 18.

⁶ *Mon. Germ. Hist.*, Chron. Min. ii. 35, no. 247: 'Asparem degradatum ad privatam vitam.' On the question of Aspar's guilt compare Brooks, *ante*, viii. 213, n. 21.

But Leo was clearly in sore need of troops who would not be under the influence of the house of Aspar. This is the interest of c. 60 of the *Vita*, where we read that Leo ἀγκοῦς παρὰ πολλῶν περί τινος ἐνδρανοῦς ὀνόματι Τίτου, οἰκεῖν ἐν ταῖς Γαλλίαις ἔχειν τε μεθ' αὐτὸν ἀνθρώπους ἱκανοὺς τετρακτευμένους εἰς παράταξιν πολέμου, τοῦτον μετεστεύλατο τιμήσας τῇ τοῦ κόμητος ἀξία πρὸς τὸ ἐν ἀνάγκῃ πολέμου ἔχειν αὐτὸν ὑπέρμαχον.¹ Presented by the emperor to the stylite that he might receive the saint's blessing, Titus was so impressed by the sight of the holy man that he abandoned a military career and became a monk; two of his buccellarii remained with him. We can sympathize with the emperor's protest to Titus—ἐγὼ σε ἡγαγον ἐκ τῆς γῆς σου βουλόμενός σε ἔγγιστά μου ἔχειν καὶ ἀπέστειλά σε πρὸς τὸν ὁσίον ἄνδρα ἵνα εὕξῃ καὶ εὐλογηθῇς, οὐ μέντοι, ἵνα χωρισθῇς ἀπ' ἐμοῦ—and with his reluctance to be appeased by the saint's assurances that it was no human help of which he was in need: that perfect faith would secure the aid of heaven.

There follows² the marriage of Zeno, which is related in these words: ἐν ἐκείνῳ τῷ καιρῷ ὁ εὐσεβὴς βασιλεὺς Λέων ζεύγνυσιν τὴν αὐτοῦ θυγατέρα Ἀριάδνην τῷ προλεχθέντι ἀνδρὶ Ζήνωνι ποιήσας αὐτὸν καὶ ὕπατον. Zeno was consul in A. D. 469, and we should therefore place the marriage in A. D. 468; Mr. Brooks was therefore right in rejecting the statement of Theophanes (who places it in A. D. 459) and in concluding that 'we should probably not be far wrong in placing that event in A. D. 466'. It must, in fact, have taken place two years later.

The *Vita* proceeds³ καὶ μετ' οὐ πολὺν χρόνον, παραχῆς βαρβαρικῆς γεναμένης ἐν τῇ Θράκῃ, ζώννυσιν (sc. Leo) αὐτὸν (sc. Zeno) καὶ στρατηλάτην τῆς Θράκης κ.τ.λ. We must therefore correct Dr. Bury's suggestion⁴ that it was as 'magister militum in praesenti' that Zeno commanded in Thrace. Daniel foretold the plot against Zeno, but assured the emperor that his favourite would escape unharmed. The plot did indeed fail; Zeno fled to the Long Wall (it must be remembered that the biographer was writing under Anastasius) and thence took ship to Pylae on the gulf of Nicomedia, whence he proceeded to Chalcedon. It was during the campaign in Thrace that his son, the future Emperor Leo, was born; we have thus direct authority for the year of Leo's birth, A. D. 469. Whether or no he was seven at his death in November, A. D. 474 (Malalas, p. 376), Mr. Brooks was right in thinking that the text of the Paschal Chronicle must be corrected.⁵ Zeno did not re-enter the capital

¹ 179, 1-5.² c. 65.³ 184, 9-11.⁴ *Hist. of the Later Roman Empire*, i. 318.⁵ *Ante*, viii. 212, n. 15.

until after the murder of Aspar, which confirms Theoph. A. M. 5964.¹

The account given by the *Vita* of the conspiracy of Basiliscus I hope to translate and publish elsewhere; here I only desire to note one or two points. The biographer writes as an avowed enemy of Basiliscus, but for this partiality we can make allowance. The conspiracy is originally planned by Basiliscus, Armatus, Marcian, and others of the senate. We may neglect, if we wish, the story of Zeno's foreknowledge of the plot, his consultation with Daniel, and the latter's prophecy of Zeno's ultimate return, like a second Nebuchadnezzar.² Chapter 69 states that the conspirators, having formed their plot, approached Verina and endeavoured to persuade her to join them against Zeno: οἱ οὖν προλεχθέντες χαιρέκακοι ἄνδρες εἰσελθόντες πρὸς τὴν μακαρίαν Βηρήναν τὴν βασιλίσσαν παρρησιαζόμενοι, ὁ μὲν Βασιλίσκος ὡς ἅτε ἀδελφὸς καὶ πρῶτος τῆς συγκλήτου ὢν, ὁ δὲ Ἀρμάτος ὡς ἅτε ἀνεψιός, ὁ δὲ Ζουζος ὡς ἅτε γαμβρὸς ἐπὶ ἀδελφῇ, καὶ ὁ Μαρκιανὸς ἐπὶ θυγατρὶ καὶ υἱὸς βασιλέως περιέστησαν αὐτῇ καὶ ἀπατήσαντες ἔπεισαν συμπνεῦσαι αὐτοῖς τοῦ ἀπώσασθαι τῆς βασιλείας Ζήνωνα. Zeno fled from the palace with his wife and some eunuchs under cover of night χειμῶνος ὄντος βαρυτάτου. Having crossed to Chalcedon ἐποίησαν ἑκσταβλα διὰ τοὺς ἐπιδιώκοντας and escaped into Isauria. Verina ἀνταρτικῇ ἀγωγῇ τὴν βασιλείαν τῷ ἀδελφῷ αὐτῆς Βασιλίσκῳ ἐνεχείρισεν. Basiliscus, however, soon sought to put her to death; Verina took refuge in the church of Mary in Blachernae, and remained there so long as Basiliscus lived. It is interesting to note that according to this account Basiliscus, and not Verina, was the prime mover in the conspiracy; ³ it will be noted that the biographer apparently knows nothing of Verina's intrigue on behalf of Patricius, but this would serve to explain the hostility shown by Basiliscus towards his sister. One cannot resist the suspicion that Verina has been so far as possible defended from the charge of treachery by the writer of the *Vita*.

Finally, we may note the author's view of the characters of Zeno and Anastasius. Daniel foretold to Zeno his coming death, at first by indirect allusion and later openly; he would receive

¹ The words χρόνον δὲ διελεύθους τριετοῦς (185, 16) I do not understand. Are they simply a mistake, or do they loosely refer the death of Leo II to the third year of his reign, and was he really crowned in 472 and not, as is usually thought, in 473? On the evidence compare O. Seeck, *Regesten der Kaiser und Papste*, pp. 425-6. For the part played by the senate in the choice of Zeno as emperor see 185, 12: καὶ ἐγένετο συμβούλιον ὑπὲρ τῆς συγκλήτου ἐνεκεν τοῦ νῆπιν ὑπάρχειν τὸν βασιλεῖα καὶ μὴ δύνασθαι ὑπογραφὰς ποιεῖν. This reason for the senate's action is interesting.

² Dan. iv. 29.

³ For the accepted view that Verina was the 'leading spirit' in the plot see Bury, i. 390; Brooks, *ubi supra*, p. 216.

the recompense for his acts, both for those which were good and those which were not. Zeno's faith and good deeds had won him, it is true, a sufficient *παρρησία*—freedom of access—with God, but, as a wise man, for such time as was left to him he must keep himself clear from avarice, his life must be orderly, he must not listen to informers, and he must be generous to those who had wronged him. But, despite this indirect criticism, the biographer of Daniel had a high opinion of Zeno as a ruler; after Zeno's return the most holy churches enjoyed great happiness, the state was rendered glorious, and the Roman empire was strengthened.¹ It is a remarkable tribute to an Isaurian emperor. For Anastasius the writer had an enthusiastic admiration; c. 91 gives an almost lyrical description of the emperor's character, of his piety, of the complete absence of that love of money which in a sovereign was for his subjects in very truth the root of all ills; Anastasius both in peace and war provides for the world the fullest prosperity.

NORMAN H. BAYNES.

The 'Mad' Parliament, 1528

SOME years ago Mr. A. G. Little and I enjoyed the privilege of looking over some of the manuscript treasures of the Guildhall of London, and Mr. Little, opening the *Liber de Antiquis Legibus* at the page which contains the sentence printed as

Hoc anno fuit illud insane Parliamentum apud Oxoniam,²

called my attention to the fact that the *a* in *insane* was written over an erasure. I then examined the vellum closely and found unquestionable traces of an accent, the equivalent of our modern dot. The part erased therefore contained letters which included an *i*; there must have been more than one, because an *i* would not fill the space of an *a*. Mr. Little at once decided that the word originally written could only be *insigne*.

I hoped that Mr. Little would publish his interesting discovery, and when I mentioned it to a few people I was careful to point out that for the present Mr. Little owned the patent of it. I have, however, recently been shown a paper by Mr. E. F. Jacob³ in which he says,

As palaeographers have noted, the word 'insane' (a form unique⁴ even at that period) has been written over an erasure by a contemporary, or almost contemporary, hand. The original may possibly have been 'infame'.

This last suggestion ignores the accent. REGINALD L. POOLE.

¹ c. 85.

² p. 37, ed. T. Stapleton, Camden Society, 1846.

³ *History*, ix (1924), 189, n. 3.

⁴ The nominative *insanis* may be found in fact in the Royal MS. 7, F. vii, fo. 81, of the thirteenth century.

*An Unauthorized Use of the Great Seal under the
Provisional Government in 1259*

THE attitude of Henry III towards his chancellors and the importance consequently attached by the barons to the control of that office are well illustrated by an event of the summer of 1259. This incident, although both important at the time of occurrence, and interesting in administrative history, appears to have been passed over hitherto, and is therefore worth recording. At that time the use of the Great Seal to authenticate royal letters was so exclusive that in the official records 'the Great Seal is always "sigillum regis", as if the king had no other seal',¹ except, of course, when the king went overseas and another seal was required.² It was therefore essential for the council of fifteen to control its use, if they wished to prevent the issue of any letters unauthorized by them, as ever since 1248 the barons had complained that the king was appointing to the chancellorship and the other great offices of state subservient men who were dependent on royal favour and would do whatever the king wished.³ At Oxford the barons had not, however, appointed as chancellor a high prelate of noble birth, such as Ralph Neville had been, but had been content to retain the king's nominee, Henry de Wengham, who had held the seal since 1255, and was now forced to take an oath to the provisional government. They provided that, among other things, he should swear 'that he would seal no writs, save writs of course, without the command of the king and of those of his council who should be present . . . and that he would seal nothing contrary to the ordinances made and to be made by the twenty-four'⁴ (the committee appointed to reform the state of the realm). Alternatively they laid down 'of the chancellor . . . that he should seal nothing, save writs of course, by the sole will of the king, but should act by the council which would be around the king'.⁵ Bigelow takes this to refer primarily to legal and judicial writs,⁶ but such an interpretation is probably too restricted, as the terms of the oath specifically mention certain types of non-judicial writs, such as grants, which required the council's consent, and the events of the following years clearly indicate that the terms of the oath cover royal letters of all kinds.

After the parliament of Oxford, the barons had expelled from England the four Poitevin half-brothers of the king, and with

¹ Tout, *Chapters in Mediaeval Administrative History*, i. 289.

² *Ibid.* pp. 284-312.

³ *Ibid.*; also Miss L. B. Dibben, *ante*, xxvii. 39-51.

⁴ Stubbs, *Select Charters* (9th ed.), p. 380.

⁵ *Ibid.* p. 382.

⁶ *History of Procedure in England*, p. 198 n.

them many of the foreign officials and courtiers who had excited so much popular hatred. The exiles at once began to intrigue for their return, and found in Henry a secret ally; for though at Oxford he may have been momentarily sincere in asking for their removal,¹ he was soon eager to recall the favourites he had always preferred. Aylmer of Valence, the vicious and unscrupulous bishop-elect of Winchester, used his ecclesiastical position with effect; realizing that he could do nothing unaided, he went to the pope and, according to the St. Albans chronicler, began to represent that he had been exiled by the hatred and greed of a small group of personal enemies, and that the mass of Englishmen would readily accept his return.² The council, hearing this, sent envoys to Alexander IV informing him of some of the charges against Aylmer, and denouncing Aylmer's cruelty, turbulence, and arrogance; they swore that he should never return, and besought the pope to remove him.³ Alexander, waiting to see the effect of the baronial movement on his Sicilian enterprise, did not at once take sides, but promised to investigate and to do justice.⁴ But when it became clear that the barons did not intend to finance papal wars in Sicily, Alexander joined the enemies of the provisional government and attacked the council. By a Bull dated 29 January 1259 Alexander ordered his chaplain and penitentiary, Velascus, a Franciscan, to go at once to England and to persuade the king, nobles, and other councillors to allow Aylmer to return freely and to have full administration of his diocese, with restoration of all his confiscated goods and revenues. The pope by special dispensation had annulled the bar of Aylmer's youth and insufficiency, and would ensure his speedy promotion to the priesthood and his subsequent consecration. The nuncio was to proceed by excommunication of persons and interdict of lands against all who opposed this papal mandate.⁵ A fitting nuncio had been chosen for the task. Velascus (whose name is also spelt Walaschus or Valascus, with Gualasco as its Italian⁶ and Vasco as its Portuguese⁷ form) is described by Wadding as 'saepius in multis orbis partibus Nuncium' and as 'optime de Ecclesia meritis, perfunctus multis apud universos ferme Europae Reges ponderosis Legationibus'.⁸ In order to keep out the Poitevins and all other possible enemies, the council had on 8 January 1259 issued an

¹ *Annales Monastici* (Rolls Series), i. 445.

² *Flores Historiarum* (Rolls Series), ii. 432.

³ Matt. Paris, *Chronica Maiora* (Rolls Series), vi. 400-9.

⁴ *Ibid.* p. 415.

⁵ Wadding, *Annales Minorum*, iv. 110-13, prints the Bull at length; it is calendared in Potthast, *Regesta Pontificorum*, ii, no. 1423, and in *Cal. of Papal Registers, Letters*, i. 364.

⁶ Eubel, *Hierarchia Catholica* (ed. 1913), i. 235.

⁷ Gams, *Series Episcoporum*, p. 439.

⁸ Wadding, pp. 110, 279.

order to the barons and bailiffs of the Cinque Ports to guard the ports and shore so carefully that no magnate might enter or leave England without the king's special licence.¹ The constable of Dover, Richard de Grey, who was also warden of the Cinque Ports and chamberlain of Sandwich, was actually a member of the council, so that the normal entrance into England seemed secure, and Velascus, knowing that the council would never admit him, must have prepared to gain entry by some underhand means. On reaching the French shore he sent secretly to Henry, stating the purpose of his mission and asking for a suitable escort. Henry did not submit the information and request to the council, for it would have been quite useless to do so, and for a time he could not reply; Wengham, the chancellor, was bound by his oath not to seal so important a writ as that which Velascus required, without the consent of the council, while to have sent the order to Grey without the Great Seal would have caused immediate difficulties. But on 6 or 7 July Henry de Wengham withdrew from the court and the seal was left with Walter de Merton,² and three weeks later Henry took the opportunity thus afforded. How long Velascus had been waiting on the French coast is uncertain, for Henry's reply is the only evidence of the Franciscan's request; but he had probably arrived at some date in June. On 28 July a letter close was written to Velascus from the king, sealed with the Great Seal and enrolled on the dorse of the close roll, differing in no particular of form from any normal enrolment of a letter close, and worded thus:

Rex dilecto sibi in Christo fratri Velasco penitentiario et capellano domini Pape salutem et sincere dilectionis affectum. Super eo quod ad nos destinati estis ex parte domini Pape nobiscum locuturi, leti effecimur et gavisi veluti debemus de singulis nunciis domini Pape. Et de adventu vestro precipue gaudemus propter laudabile testimonium quod de vestre probitatis meritis accepimus. De hoc autem quod in occursum vestri mittere distulimus ad conducendum vos ad presentiam nostram prout nos rogastis, non miremini, quia causa obfuit quam vobis insinuabimus cum vobiscum habuerimus colloquium; quod graviter non feratis. Set in crastino assumptionis beate Marie instantis sitis apud Witsaund, ubi quosdam de nostris familiaribus cum litteris nostris patentibus invenietis, qui vos usque Dovoriam et abinde usque presentiam nostram salvo et secure perducent. Teste Rege apud Westmonasterium xxvii^o die Iulii.³

¹ *Calendar of Patent Rolls, 1258-66*, p. 8.

² Rot. Claus., no. 74, 43 Hen. III, m. 8. The entry appears between enrolments dated 6 July and 8 July. In the *Cal. of Patent Rolls, 1258-66*, p. 17, an identical entry follows an enrolment wrongly dated 5 June, Westminster; the error is obvious, as that membrane contains July entries only, while on 5 June Henry was at Woodstock, but at Westminster on 6 July.

³ Rot. Claus., no. 74, 43 Hen. III, m. 8 d.

This letter reveals the fact of Velascus's application to the king, and his consequent delight and apprehension ; it also shows that in Wengham's absence Henry took the necessary steps to gain for Velascus an unchallenged passage. The method was daringly simple. On the same date Henry sent another letter close, directed to Richard de Grey, declaring that the council had ordered Grey to bring the envoy to court under safe-conduct, meeting him at Witsand, in person or by deputy, on 16 August, and handing to him there his letters patent of safe-conduct.¹ The letter to Grey runs thus :

Rex Ricardo de Grey constabulario suo Dovorise salutem. Quia per consilium magnatum de consilio nostro provisum est quod frater Velascus, solemnis nuntius domini Pape ad nos venire possit in Angliam et curialiter admittatur, et quod idem frater cum familia sua de Witsand usque ad presentiam nostram in Angliam per vos salvo et secure conducatur, sicut per litteras nostras patentes quas vobis mittimus eidem fratri liberandas cum ad ipsum veneritis, plenius perpendere poteritis, vobis mandamus in fide qua nobis tenemini quod in crastino assumptionis beate Mariæ instantis sitis in propria persona apud Witsand, quo die eidem fratri conductum nostrum illuc mittere promissimus, in occursum predicti fratris Velasci, vel alios de militibus vestris et burgensibus de quibus bene confidatis illuc loco vestri mittatis, una cum predictis litteris nostris patentibus ad conducendum predictum fratrem cum familia sua usque Dovoriam, quem ibi curialiter recipi faciatis, non permittentes sibi vel suis per mare vel per terram dampnum vel molestiam inferri. Et vos in propria persona vestra ipsum fratrem cum familia sua de Dovoriam usque ad nos perducatis, talem eidem fratri conductum cum curialitate exhibentes, quod in conductu vestro nullum sibi periculum immineat per quod nobis aut regno nostro dedecus aut scandalum pro defectu vestri in hac parte possit evenire. Teste ut supra [28 July].

The noteworthy points are the explicit statements of the council's consent and the choice of Grey as agent, these two things combining to secure the Franciscan's unchallenged entry. The letters patent of safe-conduct, dated 29 July, were thus enrolled on the patent roll : ²

Rex omnibus ballivis etc. salutem. Sciatis quod suscepimus in saluum et securum conductum nostrum fratrem Velascum, nuncium domini Pape ad nos ex parte eiusdem domini Pape pro negotio ecclesie romane destinatum, et assignavimus dilectum et fidelem nostrum Ricardum de Grey constabularium nostrum Dovorise quod ipse per se vel per alios de quibus confidat predictum fratrem cum familia sua de Wytsand usque Dovoriam, et quod idem Ricardus in propria persona sua de Dovoriam usque ad nos salvo et secure conducat. Et ideo vobis mandamus quod eidem fratri vel

¹ Rot. Claus., no. 74, 43 Hen. III, m. 8 d.

² Rot. Pat., no. 73, 43 Hen. III, m. 5 ; calendared in *Cal. of Patent Rolls, 1258-66*, p. 35.

familie sue transfretando, applicando, ad nos per terram veniendo et in Angliam morando, nullum inferatis vel inferri permittatis molestiam impedimentum vel gravamen. In cuius rei testimonium has litteras nostras fieri fecimus patentes, duraturas usque ad octabas nativitatis beate Marie proximo venture. Teste ut supra [29 July].

This letter does not state explicitly that it had the council's consent, but otherwise there is nothing to suggest irregularity. Since his appointment in 1258 Grey had received no other order for the admission or safe-conduct of any visitor to England, and so had no precedent for comparison; while the ordinary letters of protection for people leaving England, issued quite frequently, bore no statement of the council's authority,¹ and were probably issued at the chancellor's discretion as 'of course'.

Grey obeyed the letters without any hesitation, and brought Velascus to Westminster. Hoping perhaps to surprise the barons by an accomplished fact, the king summoned the prelates and barons of the realm, before whom Velascus stated his mission in a suave manner, reminding them of the papal favours to England in times past, and attempting to persuade them to allow Aylmer to return, but ending with a polite menace that refusal would incur the pope's displeasure and action.² The assembly, after its first surprise, was firm and unanimous in refusing to withdraw any of its objections against Aylmer. Velascus then threatened openly that he would use his powers of coercion; but the barons appealed to the pope on the grounds that Alexander was being greatly deceived, and that in any case the same envoy could not at one and the same time both warn and excommunicate them.³ Velascus, unable to do any more, obtained a safe-conduct for his departure, allowing him first to visit Cambridge and then to return by London and Dover; it was dated 11 September,⁴ so that he was scarcely five weeks in England. At the dictation of the council Henry sent the pope a letter close, dated 23 September, recounting what had taken place, saying that the king, in spite of his desire to obey the pope, could not

¹ See *Cal. of Patent Rolls, 1258-66, passim*. There must have been considerable numbers of merchants, clerics, and other humbler persons coming into England during this period, but no letters were issued for them.

² *Royal Letters, Henry III* (Rolls Series), ii. 138-9, Henry's reply to the pope. The wording shows that Velascus met a large assembly of prelates and barons, which may have been summoned by Henry in order to circumvent the council, or which may have been called at the council's request after a preliminary discussion of Velascus's demands.

³ *Ibid.*; also *Flor. Hist.* ii. 432-3. Their appeal was based on the principle that three warnings must precede excommunication under such circumstances, with a definite interval between each warning; Gratian, *Decretum* (pars ii), C. xxiv, qu. iii, c. xv, 'De excommunicationis articulo'.

⁴ *Cal. of Patent Rolls, 1258-66*, p. 43: this also does not state the council's consent.

allow Aylmer to return, as it was contrary to his oath and to the interests of the realm, and that even if he himself ordered it the nation would not submit, and appealing to the pope to listen to the English envoys.¹ But Alexander had by this time decided to crush the barons: in spite of Henry's protests of 16 January 1260 and his charges of Aylmer's evil influence,² and even though proctors were appointed to appeal from Velascus to the pope,³ Aylmer was consecrated. The matter came to an end only with the sudden death of Aylmer at Christmas 1260, while he was on his way to England with full papal authority to demand restoration.

The mission of Velascus had, however, raised a grave question in England. As soon as he had received his safe-conduct for departure the council demanded to know on whose authority he had been admitted, for they denied all knowledge of the order, despite the statement in the letter to Grey. Inquiry showed that Velascus had been admitted by order of a royal letter, the letters patent of safe-conduct 'issued while the Great Seal was being kept in the king's chamber'.⁴ This statement shows the letters were issued in the chancellor's absence, when the seal had been left with Walter de Merton. Merton was a chancery clerk, since the close roll states on one occasion that he drew up certain letters,⁵ but he was in close relations with the king, and was usually referred to by Henry simply as 'clericus noster' as though he were of the household. He was, next after Wengham himself, the most important chancery official, and seemingly the obvious man to hold the seal in the chancellor's absence. Wengham in fact left the seal with Merton on several occasions, when, owing probably to recurrent illness, he withdrew from court. Thus on 5 May 1258, when the court left Westminster for Winchester, 'Henry de Wengham stayed behind, ill, and the seal remained with Walter de Merton' until 28 May, when 'Wengham returned to court';⁶ Merton again held the seal when Wengham withdrew from court on 15 November,⁷ so that the council was already familiar with Wengham's absences and the temporary custody of the seal by Merton when the chancellor again withdrew, leaving the seal with Merton, on 7 July 1259. At later dates Merton acted as chancellor in England between 14 November 1259 and 24 April 1260, when Wengham was overseas with the king;⁸ and ultimately Walter himself became chancellor

¹ *Royal Letters*, ii. 138-9.

² Prynn, *Records*, ii. 966, from Rot. Claus., no. 76, 44 Hen. III, pt. ii, m. 4 d.

³ *Cal. of Patent Rolls, 1258-66*, pp. 113-14.

⁴ *Flor. Hist.* ii. 434.

⁵ Rot. Claus., no. 75, 44 Hen. III, pt. i, m. 7.

⁶ *Ibid.* no. 73, 42 Hen. III, m. 8.

⁷ *Ibid.* no. 74, 43 Hen. III, m. 15.

⁸ *Ibid.* no. 75, 44 Hen. III, pt. i, m. 18.

on 12 July 1261, when the king threw off the baronial yoke.¹ It is thus clear that when Wengham left court in July 1259 the seal was given to Merton as a matter of course. There is no need to assume bad faith on Merton's part in allowing the Great Seal to be 'kept in the chamber'. Miss L. B. Dibben has shown that, in the years between Ralph Neville's surrender of the seal in 1238 and Wengham's oath at Oxford in 1258, there were several occasions 'when the seal was left in the wardrobe during the chancellor's absence from court', and that then 'a lay officer of the household was often associated with the keeper of the wardrobe in its custody'.² Professor Tout has shown that 'the Great Seal was now [1238-58] "kept" for long periods together "in the wardrobe"', and that not so much, as in later times, for safe custody during a chancellor's absence, but in order that it might be used there for sealing'.³ The chancellor's oath had put an end to the unconcealed sealing of writs in the wardrobe, except when authorized by the council; but the precedent of keeping the seal in the wardrobe for safety during the chancellor's absence still remained, and this was almost certainly Henry's pretext for taking the seal there. That Merton was not aware that the sealing of the letters concerning Velascus was unauthorized by the council is made almost certain by the continued confidence in him shown by the council, for in the following November he was made keeper of the seal during Wengham's absence in France. Merton was bound by no oath like Wengham's, and since he was a most loyal servant of the king it is possible that he may have assisted in the scheme and pleaded royal orders afterwards; but in view of the continued trust of the council this is unlikely. Certainly the council made no attempt to punish him; the fault was really their own for not ensuring that whoever kept the seal was bound by the chancellor's oath, especially as they knew of the precedent of wardrobe custody of the Great Seal. Having realized their blunder the council proceeded to find a scapegoat. Grey was the only other person who could be held responsible, so a solemn example was made of him. Hugh Bigod the justiciar, the greatest officer in all the land, went down to Dover and summoned Grey to his presence for a stern rebuke. On behalf of the council he declared that Grey had been appointed by the whole body as the most reliable man to guard the entrance of England; that he had done a great wrong in allowing Velascus to enter, even though under royal command, without first referring the order back to the council for corroboration, since he ought to have seen that the order was completely contrary to the provisions of the council; and

¹ *Cal. of Patent Rolls, 1258-66*, p. 160.

² *Ante*, xxvii. 42, 46.

³ Tout, i. 287-8.

that, in obeying the royal command, he had broken the provisions and his own oath as keeper of the castle of Dover. He therefore declared Grey removed from the offices of constable of Dover and warden of the Cinque Ports, as a punishment for his failure to keep the ports in safety.¹ On 8 September he was ordered by letters patent to deliver the castle to the justiciar himself; on the next day, before the members of the council and with their assent, he handed over to the king his offices and rendered account, being acquitted and promised payment of 550 marks due to him for expenses and service, to be paid at the forthcoming Michaelmas session of the exchequer.² The writ of liberate for this payment was issued on 20 October,³ and the sum was paid to his agent, John Alexander of Canterbury, at the Michaelmas exchequer.⁴

The whole incident shows clearly the reason for the baronial precautions in controlling the seal. As soon as an occasion arose for which no precautions had been taken, the king's old habit of using the Great Seal as a personal instrument, almost as if it were a household seal, reappeared. That the council realized the danger is evident from their subsequent action, and from the fact that Bigod, their greatest officer, was chosen to rebuke Grey and also to undertake the custody of Dover Castle,⁵ though he was already unable to do all that was required of him. The importance attached to this decision is the more evident when we remember that the justiciar stood as the king's vicegerent in a very peculiar sense, partaking almost of the royal majesty. Other significant points also arise. It is clear that Grey accepted the letter close as fully authorized by the council, which shows that he could not have attended the meetings of the council immediately prior to 28 July, although he was a member of the council. As a matter of fact his last recorded attendance before that date was on 24 December 1258,⁶ though this does not prove that he attended no other meetings. Such absences had been foreseen in the Provisions of Oxford, which said that the king should act by the advice of his council or of those who were present; but the proved absence of members to such an extent that they could be completely out of touch with the council on important matters, is a point to be considered in studying the working of the council. The exact nature of Bigod's rebuke has perhaps some bearing on the means of authenticating letters ordered by the council. Nothing in the wording of the letter to Grey or of

¹ *Flor. Hist.* ii. 434.

² *Cal. of Patent Rolls, 1258-66*, pp. 42, 47.

³ *Liberate Roll*, no. 36, 44 Hen. III, m. 1.

⁴ *Issue Roll* (E. 403/18), 44 Hen. III, Michaelmas; *Issue Roll* (*Liberate*) (E. 403/1220), 44 Hen. III, Michaelmas.

⁵ *Cal. of Patent Rolls, 1258-66*, p. 42.

⁶ *Ibid.* p. 7.

the patent of protection was irregular, and the Great Seal had been correctly appended. It might be suggested that Grey should have looked for some countersign, such as an additional seal, the justiciar's perhaps, or that he should have required a covering letter from the council. But it is most improbable that in 1259 the Great Seal should have been thought insufficient and regarded as needing the countersign of some private seal. Moreover, Bigod's complaint was not that Grey failed in a definite matter of prescribed duty by acting on a document clearly insufficiently authenticated—for which neglect he would have deserved far worse disgrace than mere dismissal—but that he failed to use discretion: Bigod's point was that even though the letter close was formally correct, Grey ought to have seen that the decision it embodied was completely at variance with the council's known policy, and that in spite of the letter he ought to have asked for a personal assurance from the council itself. This seems to prove that the council authenticated letters embodying its decisions, not by an additional seal or covering letter, but merely by some phrase such as 'per consilium magnatum de consilio regis', or simply 'per consilium'.

R. F. TREHARNE.

Some Early Inquests before 'Custodes Pacis'

IN the Public Record Office *List of Plea Rolls*, Assize Roll 262 is described as follows: 'Essex. 1 Edward I. Inquisitiones de felonis etc. in hundredo de Tendring. 1 m.' This description is both inadequate and incorrect. The two membranes which compose the roll record inquests held before 'custodes pacis' of the county of Essex in the years 5 Edward I (1277) and 1 Edward II (1308) respectively. It is because they appear to be the oldest examples of a kind of record rare in itself and hitherto hardly noticed that they are here described. Records of three inquests held by 'custodes pacis' in the reign of Henry III are calendared among the miscellaneous inquests in the exchequer for the years 1263 and 1267.¹ The writs, however, deal with individual cases and special conditions, and bear out Lambarde's description of these officials as 'extraordinary' guardians of the peace.² Their existence is explained by the special conditions arising out of the struggle between the king and the baronial party. The inquests given below are concerned with the keeping

¹ *Cal. of Miscellaneous Inquests*, i, nos. 278, 326, 2114.

² *Eirenarcha* (1610), p. 18. See also the mandate to a 'custos pacis' of 4 July 1264, *Cal. of Patent Rolls*, p. 321.

of the peace in the more normal and general sense, and they fall into line in the series of records illustrating the evolution of the office of justice of the peace.

As membrane 1 is merely headed 'the first year of King Edward', and membrane 2 'the fifth year of King Edward', it is necessary to give the evidence for assigning them to 1308 and 1277 respectively. The second membrane is only a fragment, half obliterated and torn at the foot. It is, however, written clearly and far more carefully than the other, and states definitely that the inquests were held by Sir Richard de Tany, 'custos pacis', in the county of Essex. Details as to the history of the Tany family are given in the *Victoria County History* for Hertfordshire,¹ and the facts relevant to our inquiry are to be found in the *Inquisitiones post Mortem*. Sir Richard de Tany the elder, sheriff of Essex and Hertfordshire in 1259-61,² died in 1270, when his son Sir Richard de Tany the younger was aged 30 and more.³ The younger Richard is mentioned in the Hundred Rolls of 1274 as holding the manors of Estwyk in Hertfordshire (Braughing hundred) and Elmstede in Essex (Tendring hundred) and claiming rights in two other Essex hundreds.⁴ He was fined nine marks for trespass of venison by the justices of the forest in Essex in 1277.⁵ He died in 1296, leaving his estates to his son Roger,⁶ who died in 1301, leaving a son Laurence as his heir.⁷ In the fifth year of Edward I, then, there was a Richard de Tany, of weight and substance, in Essex; in the fifth year of Edward II the representative of the family was named Laurence.

This evidence is corroborated by the reference to Ralph de Tony, lord of Wolcomes Stouhe, that is, Walthamstow. For this family the Inquests post Mortem are less complete, and the genealogies given by Morant and Blomfield are not correct, but the proofs are adequate. Roger de Tony of Walthamstow died in 1264,⁸ and his heir (unnamed) was still in the king's wardship in 1274.⁹ In 1278, however, Ralph de Tony is mentioned on the Hertfordshire eyre roll as lord of Walthamstow,¹⁰ and in 1276 and 1277 he was being employed by Edward on the Welsh marches.¹¹ In 1303 Robert de Tony was the lord of Walthamstow,¹² and he died in 1309, leaving no heir but his sister Alice de Leyburn.¹³ Thus in the fifth year of Edward II the lord of Walthamstow was not a Tony at all.

¹ iii. 317.

² *Public Record Office, Lists and Indexes*, ix. 43.

³ *Inq. post Mortem*, i. 248.

⁴ *Rot. Hundred*, i. 140, 153, 162, 191.

⁵ *Cal. of Close Rolls*, p. 534; cf. *Cal. of Patent Rolls*, p. 193.

⁶ *Inq. post Mortem*, iii. 201.

⁷ *Ibid.* iv. 12.

⁸ *Ibid.* i. 188.

⁹ *Ibid.* ii. 54.

¹⁰ *Placita quo Warranto*, p. 284.

¹¹ *Cal. of Patent Rolls*, pp. 169, 222.

¹² *Feudal Aids*, ii. 151.

¹³ *Inq. post Mortem*, v. 101.

Internal evidence thus points to 1277 as the date of membrane 2, and is confirmed by external evidence. On 12 July 1277 Edward I issued letters patent to the sheriffs and bailiffs of liberties in twenty-nine counties, bidding them see that peace was better kept in their parts, the more so as he and many of his nobles were going on an expedition to Wales. They were to use diligence in swearing men to arms, and in arresting and imprisoning malefactors; and for the better accomplishment of this the sheriffs were to cause to be elected in full county one of the more upright and powerful men of the country who was not going to Wales, who should take an oath to assist both sheriffs and bailiffs whenever required in the keeping of the peace and the arresting of evildoers. On his return from Wales the king would requite both the sheriff and the elected person for their trouble and expense, according to their zeal in carrying out his commands.¹ The Patent Roll of 2 September 1277 contains a mandate to John de Bretun, whom the sheriff and community of Norfolk have elected to be 'custos pacis nostrae' in that shire.² Although no such mandate for Essex has been traced, it seems evident that Richard de Tany was elected to the office of 'custos pacis' in the shire court of Essex in July or August 1277, and held the inquests recorded in Assize Roll 262 between 24 August and 20 November 1277.³

The date of the other membrane is fixed partly by the references to the Statute of Winchester, which show that the first of Edward I is an impossible date, and, more exactly, by the words 'on Saturday, the morrow of the Purification'. In 1308, the first year of Edward II, the 3rd of February fell on a Saturday. The commission appointing Sir Hugh de Neville and Hugh le Blund, with the sheriff, to be 'custodes pacis' for the county of Essex is to be found, dated 24 December 1307, on the Patent Roll, and is printed in full in *Parliamentary Writs*.⁴ The directions to inquire into the existence of forestallers and the observance of the Statute of Winchester correspond exactly to the scope of the inquests printed below.

A few points of interest may be indicated. That such inquests were held by 'custodes pacis' early in the reign of Edward I is, I think, an addition to our knowledge. Lambarde was apparently not aware of evidence for their power to receive indictments earlier than 3 Edward III,⁵ though he suspected its existence. A passage in the records of the state trials of 1291 reinforces our

¹ Rot. Pat., 5 Edw. I, m. 9.

² *Ibid.* m. 5. Printed in full, Lambarde, pp. 16-17.

³ The dated events in the record occurred about St. Laurence's (10 August), the Assumption of the Virgin (15 August), and St. Bartholomew's (24 August); the sixth year of Edward I began on 20 November 1277.

⁴ *Parl. Writs*, II. ii, appendix, p. 8.

⁵ p. 20.

evidence. The bailiff of the bishop of Lincoln's hundred of Banbury quotes a writ from the sheriff of Oxfordshire commanding him to arrest a criminal who has been indicted before the 'custodes pacis' of the hundred of Bloxham;¹ a writ which further illustrates the co-operation between the sheriffs and bailiffs of liberties urged in the letters patent of 12 July 1277, and reflected in the presentment below as to the hanging of a freeman in Becontree hundred 'against the peace of the lord king and the liberty of the abbess of Barking who holds that hundred'.

Another point of interest is the procedure followed in 1277 and 1308 respectively. The 1277 fragment records presentments made in five hundreds: in one case 'per comitatum', in the other cases by the jurors of villis. In the one instance where the jurors are named, they number five, presumably four men and the reeve. There is nothing to show whether the inquests were held at one time and place, or in a perambulation of the 'custos'. In 1308 we have the full presentments for Tendring hundred, and the beginning of the presentments for Dengie hundred. The presentments are made by juries of varying composition: (1) twelve 'forinseci' with eight men of Manningtree; (2) twelve men of Great Oakley; (3) thirteen men of Colchester, with twelve men of the hundred of Lexden, six men of the hundred of Tendring, and two others. The inquests are held on 3 February, 4 February, and 6 February, at three different places in Tendring hundred, and the forestallers of Colchester are to be called up again on 13 February. On the question of procedure it is useful to compare a Northamptonshire record of 1320, the only other unequivocal record of inquests before 'custodes pacis' that I have traced, though it is highly probable that records of a similar sort, as yet unidentified, are to be found among the assize rolls or elsewhere.² In 1320 two mandates were issued to 'custodes pacis', on 18 June and 7 August.³ Assize Roll 640 contains the actual letter close of 7 August, addressed to the two 'custodes' of Northamptonshire, endorsed 'execucio istius brevis patet in rotulo eisdem consuto'.⁴ The annexed roll begins with the writ of 18 June, and contains the record of inquests held at Northampton on 18 August 1320, according to the procedure therein described. The sheriff summoned to Northampton all the chief constables and sub-constables of the different hundreds, twenty-four knights or freemen from every hundred, and four men and the reeve from every vill, to do and inquire as the king commanded according to

¹ Assize Roll 541 A, m. 77.

² e. g. in Assize Rolls 473-5 (Leicestershire).

³ Both are printed in full *Parl. Writs*, II. ii, appendix, pp. 148, 150-1.

⁴ Assize Roll 640, m. 5.

the tenor of the commission and according to the Statute of Winchester. The presentments, made by hundreds, are followed by a command to the sheriff to arrest all the persons above indicted, and keep them safe till further orders, and to this is added the note 'qui adhuc nullum supradictorum indictatorum arestavit, ut dicitur'.¹ The return attached to the writ is, in fact, one of those lists of names of offenders which the central government demanded from the 'custodes' on several occasions in the reign of Edward II.

Whilst interesting on the formal side, the main importance of the records printed below lies in the light they throw on the local efforts to put in force the Statute of Winchester, and on the gradual development of the activities of those officials to whose powers of inquiry and arrest the power of jurisdiction was added in 1332.²

HELEN M. CAM.

Assize Roll 262, m. 2.

Inquisiciones facte per dominum Ricardum de Tany custodem pacis domini Regis in comitatu Essex' Anno Rengni Regis Edwardi quinto.

¶ Dicunt Iuratores de Hatfeud Peuerel sc. Willelmus atte Bregge, Willelmus Eylmer, Elias de Marisco, Willelmus Botere, et Petrus Page, quod Marcele uxor Motti de Okham die dominica proxima ante festum Sancti Laurencii Anno supradicto depredata fuit de omnibus bonis suis et domus eius fracta per homines Ricardi de Coleworth' silicet per Robertum Carectarium qui manet cum eodem apud Borham et per Willelmum fillium Willelmi Botere et Willelmum Cocum ad valorem xxx sol et amplius. Ista recepta fuerunt ad domum Roberti filii Huberti.

Hundr' de Wyham.

¶ Item dicunt Iuratores de Fairstede quod Ricardus Sonce molen-dinarius qui manebat ad molendinum Nicholai de Giney, Radulphus Wracke et Sturling' de Borham sunt fractores domorum. Et quod Elias filius Sacriste de Fairstede est latro.

¶ Presentatum est per comitatum quod Willelmus Sapi senescallus Radulphi de Tony domini de Wolcomes Stouhe cepit quendam hominem liberum de eadem villa et ipsum suspendidit sine secta et sine visu ballivi hundredi, contra pacem domini regis et contra libertatem abbatisse de Berkinge que tenet hundredum integrum libere de domino rege.

Bekentr'

¶ Dicunt Iuratores de Haningefeud quod die Iouis proxima post Assumcionem Beate Marie venit Ricardus setuiens Templariorum apud Neulande in Haningefeud et intrauit domum Roberti Marescalli inde vi et armis contra voluntatem eiusdem Roberti cepit et adduxit et fregit portas suas et uolneravit eum, unde huthesium leuatum fuit.

Chelm'.
ford

¶ Item dicunt quod idem Ricardus fregit domum Xristiane Benoit de Suhaningefeud et unam supertunicam precii xij s. asportavit, videlicet die Ascencionis anno E. iiij^o.

¶ Dicunt Iuratores de Borham quod Galfridus seruiens abbatis de Waltham, Ricardus le Messor, Iohannes carectarius eiusdem abbatis

¹ *Ibid.* m. 6 d.

Ante, xxxix. 248.

metebant et asportabant unam acram seminatam in auena ad curiam dicti abbatis . . .

Dimid'
Herlawe

Dicunt Iuratores de . . .

m. 2 d.

Frouswell

Dicunt Iuratores quod die Sancti Bartholome Anno supradicto venerunt magister Hugo Biged et manupasti sui, videlicet Michael Eylbern et Willelmus de Beyfeld, Petrus de Koyfe, Radulphus le Noreis, ad domum Galfridi Camerarii in Stevintone. Et domum suam fregerunt, hostium et fenestras et contra voluntatem suam intrauerunt et ea que inuenerunt asportauerunt maliciose et contra pacem. Et ibidem enormia fecerunt quousque patria et tota vicinitas cum hutasio venerat. Et exierunt. Et ad domum dicti magistri Hugonis receptati fuerunt. Et ad . . . succ' . . . aliq' . . . quierantes et adhuc Idem Magister Hugo minatur dictum Hugonem de Steue . . .

Assize Roll 262, m. 1.

Essex

Essex Tendr' Hundr'

Neuill

Hundr' de
Tendr'
Maningtre

Inquisitio facta coram Domino Hugone de Neuile et sociis suis ¹ apud Manitr' die Sabbati in crastino Purificationis Beate Marie Anno Regni Regis E. primo per xij iuratos ² videlicet Iohannem de Badele, Sayer' de Brittlenggesheye, Iohannem filium Walteri, Willelmum le But, Iohannem Rosse, Aunus' de Petr', Willelmum Adam, Nicholaum Gernon, Thomam Batin, Robertum de Peyton, Willelmum Pigace, et Willelmum de Helleye, Forinsecos; et Adam de la Riwere, Edmundum filium Golfridi, Willelmum Batin, Warinum Mol, Robertum de Bexston, Iohannem Vine, Thomam Caperon, Nicholaum de Stinnerie de Maningtre Iuratos et . . .

qui dicunt per sacramentum quod Willelmus Magge de Cattewad', Iohannes le Blok de eadem, Thomas Pycot' de eadem, Stephanus Brente de eadem, Briocus ³ Cissor de Manitr', Bartolomeus Cissor de eadem, Robert Pertrich ³ de eadem, sunt forestallarii et forestallant villatam de Manitr' ab omnibus mercimoniis venientibus per aquam et terram ad predictam villatam ⁴ ita quod illi qui bona sua vellent in propriis personis suis vendere non possunt propter huiusmodi forestallatores. ⁵

Manyng-
tre

Item dicunt quod ittinera uersus Colecestr' et alibi sunt ita stricta in villa de Ardley apud Boscum de Crockeleford prioris Sancti Botul' ⁴ quod homines vix audent equitare vel pedibus ire propter latronum insidias ⁵ et hoc ad nocumentum totius patrie et contra statutum ⁴ Wynton' ⁵ Et iter uersus Colecr' ad ecclesiam de Ardleye est tam strictum pro defectu bosci Radulfi Pycot' quod vix homines audent ire.

Item presentant quod Thomas Alfeld ³ uulnerauit quemdam mulierem ad domum Godini sutoris contra pacem et est communis imperturbator pacis.

Item presentant quod Rogerus le Barker uulnerauit dictum Thomam noctanter contra pacem. ⁶

¹ 'Iusticiario domini Regis' has been written after 'Neuile', crossed out, and 'et sociis suis' written in over the line.

² 'homines fideles' has been crossed out before 'iuratos'.

³ 'p.m.' is written in over these names.

⁴ to ⁵ Written in over the line.

⁶ The next two presentments, 'Item presentant quod Godin' sutor resectus

Item presentant quod Ricardus Miles, Gerardus Pykerel de Manitre sunt forestallarii ut supradicti de piscibus et omnibus aliis mercimoniis per terram et aquam. Ita quod venditores non possunt sua mercimonia per se propter huiusmodi forestallatores vendere ad dampnum totius patrie.

Inquisitio capta apud Akle Magnam coram domino Hugone de Neuile Custode pacis Domini Regis Die dominica proxima post festum Purificationis Beate Marie Anno Regni Regis Edwardi primo per xij homines iuratos, scilicet per Ricardum Brennote, Saherum Caperoun, Iohannem le Cok', Walterum de Hewode, Iohannem Houmfrey, Henricum Tresdeners, Iohannem Braymnel, Iohannem de la Forde, Hugonem de la Roklaunde, Willelmum Pistorem, Thomam le Ferour', Radulfum Russel.

Qui dicunt per sacramentum quod Walterus le Cogger', Radulphus Ylot,¹ Willelmus¹ Brote,¹ Robertus le Stur',¹ Willelmus Petifraunk', Radulfus Stace, Adam Chimbel,¹ Galfr' le Bout',² Willelmus Godefroi¹ senior, Willelmus Godefrey¹ junior, Valentinus de Soutwold,¹ Willelmus Squyrel, Adam ate Char',¹ Henricus Bene,³ Adam Colyn,¹ Ricardus de Sutwolde,¹ Adam Smye,¹ omnes de Herewyco; et Ricardus de Rysing' de Magna Holaunde, Iordanus de Barythes Welle de Thorp, Willelmus Thedain¹ de Magna Holaunde sunt forestallarii de omnibus mercimoniis venientibus tam per terram quam per aquam uersus Herewycum et alibi in Hundredo de Tending'.⁴ Et recipiunt allecia pisces a nauibus et batellis et ad voluntatem suam ponunt precium, videlicet pro lasta i marcam vel xx s., et postea vendunt pro v marcis et amplius et pro medietate soluunt et aliam medietatem sine precio recipiunt ad dampnum totius patrie.⁵

Herewych

Akle
Tendr'

Item presentant quod boscus de Trendhey non est amputatus ut preceptus fuit, per quod via est tam stricta pro defectu amputationis Thome de Greylee et comitis Oxonie quod homines propter latronum insidias vix audent ambulare.

Inquisitio capta apud Colecestr' die Martis proxima post festum Purificationis Beate Marie Anno Regni Regis Edwardi primo per xij homines iuratos, videlicet per Warinum filium Willelmi, Robertum Oliuer, Alexandrum Tabernar', Sayherum de Doniland, Iohannem Tinctorem, Iohannem de Burstall', Matheum le Verrer, Willelmum Pronale, Iohannem Edward, Ricardum Attegate, Ricardum le Barber, et Willelmum Grey, Petrum de Asington' de Colc'; Walterum de Codewell, Willelmum Mot, Adam clericum de Messing', Robertum Vincent, Iohannem Batekyn, Ricardum Fabrum, Robertum Best, Iohannem Bonherbe, Iohannem Chimyn, Robertum Gernon, Willelmum Quethe, Stephanum Hoter de Lexhedenn; Walterum de Hewode, Thomam filium Stephani, Willelmum Sperburn', Iohannem Munte, Walterum Bunde, et Thomam Vere de Tendingg'; Thomam de Fulho, et Petrum Wyld.

Cole'
Tendr'

dictum Rogerum post insultum factum. Item presentant quod Thomas Altild est communis verberator', have been crossed out.

¹ 'p.m.' is written over these names.

² 'Rogerus Godefroi' is written here and crossed out.

³ A cross is marked above this name.

⁴ to ⁵ The sentence is written in over the line and in the margin, with a mark to show the place of insertion.

isti habent
diem mar-
tis ante
festum
sancti
Valentini
apud Colc'
Felonia

Qui dicunt per sacramentum quod Walterus de Gloffar' de Branketre, Iohannes Houel de Branketr', Iohannes de Lond' piscator in Colc', Iohannes Menewy,¹ Walterus Trewe de Branketr', Willelmus Sartrie, Iohannes de Tendingg', Simon filius Bartholomei de Cole' sunt communes forestallatores omnium bonorum venalium venientium tam per terram quam per aquam ad forum de Colc' et Cogeshale; et Petrus Fingerer emit duo pecia correi tannatoris de Rogero Alnote precii iiij s. que Idem Rogerus furabatur de Simone filio Bartholomei et idem Petrus sciuit ea fuisse furata.

Coln'

Dicunt etiam quod Gilbertus Makerel est communis latro de meremmo et de aliis minutis latrocinii et consuetus est contra noctem deuillare et in aurora diei redire. Ideo plus suspicatur de eo quod est latro ¶ et quod Simon Radebrych' noctanter et contra pacem intrauit domum Ricardi de Coln' apud Srebbestrete per quandam fenestram et asportauit clates et stramen dicti Ricardi ad valenciam vj den. ¶ et quod Amicia Spillewater receptauit quendam Iohannem de Holebrok' sepius noctanter et de quo est grauis suspicio latrocinii quia noctanter venit et recedit, et quod Matildis Motshole est communis receptatrix de aucis et gallinis furatis in suburbio, et quod Iohannes Finger receptauit Iohannem de Markesh' de quo est grauis suspicio latrocinii quia noctanter venit et recedit, et quod est receptator latronum.

trans-
gression'

Dicunt et quod Gilbertus Makerel furabatur et furtiue asportauit tunicam de burello de domo Iohannis le Spicer videlicet die Iouis proxima ante festum Sancti Bartholomei ultimo preteritum ad valenciam vj d. et quod Rogerus Alnete furabatur duo pecia correi tannatoris de tannaria Simonis filii Bartholomei' precii iiij s. ¶ et quod Iohannes Baron de Hewham fecit insultum Galfrido Lewy die veneris in festo Purificationis Beate Marie ultimo preterito et dictum Galfridum cum quodam baculo in capite grauiter percussit et contra pacem et est communis malefactor ¶ et quod Willelmus Basset insultum fecit Iohanni Garde die dominica proxima post festum Purificationis Beate Marie ultimo preterito et dictum Iohannem in domo sua propria grauiter percussit, apud Hewstrete de nocte ¶ et quod Ricardus² Sayher stetit in hostio matris sue in Hewstrete sero diei mercurii proxime ante festum conversionis Sancti Pauli ultimo preterito, et quidam Rogerus Jolifboy per viam transiens canem matris dicti Rogeri Sayher cum una petra iecit, et dictus Rogerus Sayher interrogabat eum quis esset, cui noluit respondere, et quia noluit respondere dictus Rogerus Sayher eidem Rogero Jolifboy insultum fecit ipsum cum pugno percussit. ¶ Et quod Hugo Carnifex est communis forestallator, et Katerina la Vaus, Iohannes profite, Petrus le Wylde, Iohannes filius Ricardi Holdeman sunt communes forestallatores omnium bonorum venalium ita³ quod homines vendentes non possunt per se vendere propter huiusmodi forestallatores⁴ per terram et per aquam. ¶ Et quod Willelmus Holdegate non venit ad portam de Estgate apud Cole' custodiendam sicut summonitus fuerat ¶ et quod parvus⁵ Abbatis Sancti Iohannis Colc' apud Grenstede non claudatur iuxta formam statuti Wynton'³ ad dampnum totius patrie propter latronum insidias⁴ ¶ et quod iter ducens versus

¹ 'Colc' is written over this name.

² A cross is marked above this name.

³ to ⁴ Written in above line.

⁵ A cross is marked above this word.

Maldon iuxta boscum de Srebbe ¹quod est domini Iohannis de Belhus ² trans-
 non elargit secundum formam statuti ad dampnum propter latronum gression'
 insidias totius patrie. contra
 statutum

m. 1 d.

Coram iustic' de transgressionibus et de feloniis.³

Inquisicio capta apud Maldon die mercurii proxima post festum
 Purificationis Beate Marie Anno Regni Regis Edwardi primo per xij Deng'
 homines iuratos videlicet per Willelmum de Birche, Thomam le Palmere, Hundr'
 Willelmum de Callyngg', Thomam Forester, Iohannem Spicer, Willelmum Maldon.
 Reynber', Rogerum Draper, Thomam Symple, Radulphum Pilke

(The rest is blank.)

¹ to ² Written in above line.

³ In a fifteenth-century hand.

Reviews of Books

The Early History of Bengal. By F. J. MONAHAN. (Oxford : University Press, 1925.)

THIS book is all that the author had completed before his death of a comprehensive work which would have traced the history of Bengal from the period of the Maurya dynasty down to the Mohammadan invasion. By fixing the arbitrary date of the Maurya rule as his starting-point the author precluded himself from discussing the interesting question of the early population of Bengal and the process of the introduction of Aryan influence. Moreover, as the evidence of the Maurya period almost exclusively refers to regions other than Bengal, the value of the account given of that empire under Candragupta and Aṣoka rests entirely on the assumption that what was valid for Bihar may fairly be deemed to hold true of Bengal. Unfortunately we know too little to feel any confidence in the validity of this assumption, and the value of Mr. Monahan's work must lie in the presentation of Maurya institutions.

Our accounts of Maurya polity are almost wholly derived from two sources, the fragments of Megasthenes, who was ambassador at Candragupta's court, and the *Arthaśāstra* of Kauṭilya or Kauṭalya, which claims to be the work of the minister who established Candragupta on the throne. Mr. Monahan, it is clear, prepared his work under the influence of the view that the *Arthaśāstra* was genuinely the work of that minister, and, not unnaturally, he persisted in this opinion even after he became aware from O. Stein's *Megasthenes und Kauṭilya* of the arguments to refute the ascription. But he attempted to remove the difficulties, which he was candid enough to recognize, by the theory that the *Arthaśāstra* was written, not after the creation of the Maurya empire, but at a time when Magadha was a relatively small state with comparatively simple institutions, which, however, might in the course of a quarter of a century develop into the complex government envisaged by Megasthenes. The suggestion is ingenious, though it runs counter to the views of the other scholars who support the claim of the treatise to authenticity, for they regard the work as the outcome of the ripe experience of Cānakya or Kauṭilya and as written in his old age after the triumphant establishment of the empire. But it is no less fatal to this theory than to the more general view that the treatise is silent as to Pāṭaliputra. That a statesman should compile a manual of politics without once mentioning the centre of government and civilization of the territory of which he was minister is frankly incredible. It is also remarkable in the extreme that an author who gives minute details of fortifications should say nothing of the use of a wooden palisade,

when we know that Megasthenes recorded the existence of a wooden wall around the capital. It is also a striking fact that the *Arthaśāstra* ascribes to the king neither the duties of a judge of first instance nor of appeal, but contemplates the existence of a distinct establishment of judges, suggesting a more developed form of organization than that known to early India. What is still more fatal for Mr. Monahan's view is the evidence adduced by Professor Jolly, which practically proves that the *Arthaśāstra* was later than the *Yājñavalkya Dharmaśāstra*, which probably falls not earlier than A. D. 200. The clear proof of the knowledge of alchemy by the writer also suggests a comparatively late date, and the pedantry of the whole work suggests strongly that the author was not a practical statesman but a pandit, perhaps employed in an official capacity in some comparatively small state, who thought that he would commend his work by assigning to the minister of Candragupta those political maxims which he thought most convincing. The result may be disappointing, but it is clearly the only one compatible with the evidence, and Mr. Monahan's account of Maurya institutions as based upon it must be regarded as of limited value. The age of Candragupta, we may safely assume, was animated by more vigorous and far-seeing political conceptions than could be grasped by the narrow intellect of the author of the *Arthaśāstra*. The creator of the Maurya empire cannot have been inferior in capacity to Aśoka, and a treatise of his time must have afforded a real insight into the system by which subject territories were brought effectively under central control.

A. BERRIEDALE KEITH.

Studies in the History of Mediaeval Science. By CHARLES HOMER HASKINS.
(Cambridge, Massachusetts : Harvard University Press, 1924.)

THIS very important work has a value which transcends that of the materials, valuable as they are, collected by Mr. Haskins. As a model of historical method in fields of study rarely visited by English scholars it will take its place among the few books which trace out the course of historical writing. Both in its general and in its specific significance it illustrates the changes in learning during the last quarter of a century. As a contribution to the history of medieval thought it will rank next to Mr. Poole's epoch-making volume ; as a study in method, in the use of new material for the elucidation of old problems, it will be found, I think, to have an importance comparable to that of, say, Mr. Round's *Feudal England* and Mr. Tout's studies in administrative history.

During recent years the most insular-minded of us must have realized that a new spirit was at work among the historians of medieval science and philosophy. The time was clearly coming near when the scholars, who were at work revising and continuing the labours of Hauréau, Prantl, Cantor, Jourdain, Boncompagni, Steinschneider, Wüstenfeld, and the rest, would force the political and ecclesiastical historians to realize that their discoveries must be taken into account by every serious student of the middle ages. The point is not merely that much valuable historical matter lies hidden in the writings of medieval scholars. This, indeed, is true enough, as any one may see from the study of Mr. Haskins on the Sicilian

translators of the twelfth century or the Abacus and the Exchequer; but, apart from all this, the imaginative effort by which we try to appropriate the results of recent scholarship inevitably opens up new views on medieval society, on the extent of learning, communications, the development of organized study, the co-operation between men of different race and faith, the intellectual atmosphere of courts, and many other matters. The kaleidoscope has been turned again, and the effect is even more far-reaching than that of recent work upon the *chansons de geste*, the growth of the Arthurian legend, or the development of medieval sculpture.

Mr. Haskins is not primarily concerned to keep us in the task of appropriation. His essays, it is true, are synthetic in character, and, although most of them have appeared in various periodicals at different times during the last twenty years, they present a continuous view of the subject; but they are anything but compilations. The author has collected an enormous amount of information, sifted the views and checked the interpretations of his predecessors, and added the results of minute and prolonged investigations of his own. His refined and balanced scholarship gives to his writing the form and unity which one feels in a piece of sustained abstract thought. As an American, he is free from our tradition of insularity; he knows his way about the manuscript collections, great or small, of Europe; yet his mind and outlook are English in the best sense of the word, without a touch of pretentiousness. A pupil of Langlois, he would probably regard the French as his masters, but his best work is as massive as that of the great German scholars. He is a pioneer, yet a scrupulously tidy workman, alert to remove misconceptions, relate his discoveries to what is already known, and leave the way clear and open for others. There must be a few loose threads in this intricate weaving, although I have noticed only one,¹ but there is not a single slipshod or uncertain bit of work. Its attractiveness is the more remarkable in that Mr. Haskins is not a light or expansive writer. His warmest admirers could not describe him as a stylist. Much of his difficult research leads to negative results, and it is not easy to find in his writings the striking ideas, the far-reaching speculations which we expect in the great historian. His merit lies in the choice of ground where everything is shifting and unsafe, in the testing of easy-going generalizations which have captivated his predecessors. So far as it goes his work will stand and can be built upon. This patient sure-footed realist has written little, if we look merely at the number of pages, but enough to have given him a place among the select few whom scholars respect as their masters.

So many of these essays have already received the appreciation of Mr. Haskins's fellow workers² that it is unnecessary to attempt a detailed review here. One can only express the hope that their collection and elaboration in a single volume will bring them a wider public. As I have suggested, they require the consideration of others than specialists, both

¹ Simon Bredon, if he is the well-known mathematician and physician of Merton College, lived some time after 1305 (p. 111).

² Cf. Duhem's corrections after reading the papers on 'The Reception of Arabic Science in England' and on Hugo Sanctallensis (*Le Système du Monde*, ii. 519-22; iv. 577).

as models of a beautiful method (e. g. the establishment of the date of the earliest Latin translation of the *Almagest*, pp. 160-1), and on account of the light thrown upon the growth of intellectual centres and on the various movements of thought between the eleventh and the thirteenth century. No one can study them without learning a great deal about the court life of the Norman kings in Sicily, of Henry I in England, or Frederick II. The significance of the ecclesiastical unity of western Europe and notably of the Christian lands around the Mediterranean, the intensity of the relations between Constantinople and Italy, the far-reaching results of the Crusades cannot fail to become more real after a perusal of this book. The reader also will acquire a more lively impression of the advance made by historical inquiry during the last generation. And, finally, Mr. Haskins's work abounds in unobtrusive corrections or criticism of the conclusions of other distinguished scholars, in admiration of whom he would yield to no man. It will always be worth while, before accepting a fact in the history of scientific thought during the period covered by this book, to see what Mr. Haskins has to say about it.

F. M. POWICKE.

English Penitential Discipline and Anglo-Saxon Law in their Joint Influence. By T. P. OAKLEY. (New York: Columbia University Press, 1923.)

THIS is a useful introduction to a rather neglected subject. That ecclesiastical influence largely inspired the compilation of the laws of the Anglo-Saxon kings is already well known. Mr. Oakley is concerned with a complementary manifestation of that same influence: he shows how the Anglo-Saxon church tried to reinforce the secular laws by means of its own penitential system. The age was one of fierce conflict between the powers of order and disorder, of 'frith' and 'unfrith'. Mr. Oakley's main thesis is that during this conflict 'both secular and ecclesiastical discipline co-operated in the process of socializing and civilizing; and in that co-operation the effect of penitential measures was undoubtedly greater than has hitherto been supposed'. After outlining the history of the penitential system in England in his first four chapters (one of which, on the literary history of the English Penitentials, gives a very useful short account of the sources) he proceeds to show the various ways in which the English Penitentials endeavoured thus to strengthen the secular law. For heinous crimes like murder and sexual offences they imposed heavy penances in addition to the punishments laid down by the secular law. They tried to limit the feud by prescribing penance for homicide committed in vengeance, even when compensation had been paid to the slain man's kindred. They made untiring efforts to suppress perjury. This last offence, which was apparently very common, is constantly attacked in the Penitentials, and their attempts to check it are of great interest owing to the extensive use of oath-helping in the judicial procedure of the time: the secular laws, of course, made perjury punishable, but Mr. Oakley is of opinion that 'by far the chief burden of preventing and punishing perjury and false witness was put upon the discipline of the Church, and this discipline operated chiefly through penance'.

That the church through its penitential system endeavoured to

strengthen the secular law is clear, but Mr. Oakley is not so successful in showing to what extent the means employed were really effective in attaining the desired end. The practical force of the penitential system depended largely on the publicity of its penances and the possibility of alleviating their rigour by money commutations or otherwise. Mr. Oakley maintains with reason that the evils of commutation at that time may easily be exaggerated. But he finds some difficulty in deciding how far public penance was practised in Anglo-Saxon England: he can only say that 'evidence of at least some of its traits' is found from the eighth century onwards. In effect we are left with the rather halting conclusion that 'the period in which public penance may have enjoyed its fullest use—viz. the ninth and tenth centuries—is also that in which the secular government was endeavouring to educate the public to regard crimes as offences against the community'. In other words, the lack of evidence which compelled Mr. Oakley to say 'may have enjoyed' makes it impossible to estimate with any certainty what practical influence the penitential system had as a 'socializing and civilizing' force in Anglo-Saxon England. The book is marred, from the reader's point of view, by the multitude of foot-notes. Many of these are of course necessary and helpful, though they are often awkwardly introduced, but a surprising number are no more than vague cross-references like 'vide *supra* chap. ii' which merely interrupt the flow of the argument.

J. G. EDWARDS.

Registrum Johannis de Pontissara. Parts viii, ix. (London: Canterbury and York Society, 1922, 1924.)

THESE two concluding parts of the register are even richer than their predecessors in instruction and entertainment. There is a wonderful picture, conveyed in twelve documents (pp. 804-21, 830-5), of the writhings of the unlucky bishop beneath the pressure exerted regarding the rectory of Longparish, Hampshire, alternately by Rome, Canterbury, and his own official Philip de Barton. Philip was in possession, having been instituted by the bishop when the former holder resigned. But when later that former holder chanced to die at Rome during a papal vacancy, the benefice thereby fell to the disposal of the Holy See, and Celestine V accordingly 'invested by his ring' one Bartholomew de Sancto Angelo, and ordered the bishop of Winchester to receive his nominee, notwithstanding any previous arrangement made. This was in September 1294, and when two months later Celestine's abdication made way for Boniface VIII, the new pope summoned Bishop John to Rome to join in the negotiations for peace between France and England. Between January and April 1295 John was thus on the one hand busy with preparations for leaving his diocese, and on the other harried constantly, by word of mouth as well as written order, about Longparish. In vain did he tell the pope's representatives that he must have time to deliberate; in vain did he plead that he was too busy with ordinations to think about anything else; in vain did he try to delay by citing Philip de Barton to show cause why he should not be dispossessed. The aggrieved Philip appealed to Canterbury, and soon the bishop was in the awkward position of being

forbidden by the commissary-general to take any steps at all, yet threatened by the papal envoys with excommunication unless he acted at once. In April, just before sailing from Portsmouth, he reluctantly gave in, and left orders that Bartholomew should be inducted. The execution of the order, however, was resisted by 'the strength and violence of armed laymen of that parish in great numbers'. Eighteen months later, on 17 September 1296, Bishop John wrote five letters from Rome to insist that Bartholomew must have his rights. In his letter to Philip de Barton himself, he reports a bullying interview with those two cardinals, James and Peter Colonna, who were to be hurled from power by the pope only six months later. Moreover, he says that the supposed resignation made by the former holder of the benefice has been examined by the cardinals, the vice-chancellor, and other 'maximi domini et maximi curiales', but has been declared spurious, 'both on account of the bad Latin contained in it and for many other reasons which it would be hard to explain one by one'.

It is a thousand pities that the bishop failed to detail, for Philip and posterity, these medieval arguments about medieval forgery. However, here and elsewhere in the register he has left so much that we need not reproach him for not leaving more, and the reader will find many interesting and unexpected things besides the Longparish story. These last two parts have been edited by Mr. Charles Johnson, after the death of the original editor, Canon Deedes, in 1920, and of Miss Manley, who was chiefly responsible for the index, two years later. He has appended, from an original among Diplomatic Documents in the Public Record Office, a surprising grant of 1304 by which the bishop transferred all his manors and goods in France to Hugh Despenser. A facsimile of a deed of 1290 with the bishop's seal, an itinerary, a good index, and three pages of addenda and corrigenda, complete one of the most interesting registers that the society has ever published.

HILDA JOHNSTONE.

The Parliaments of Scotland. By ROBERT S. RAIT. (Glasgow : MacLehose, 1924.)

THE appearance of this work is a landmark in Scottish constitutional history. The measure of the progress which it represents may be gauged by a comparison between a solid book of 534 pages and the slender volume of 1901, in which the author embodied his successful Stanhope Essay of 1899. That progress is not quantitative only. Much of the information presented is new ; but the real significance of the book lies less in matter than in method, in the discarding of old misconceptions, and in the subjecting of a great mass of evidence to a scientific examination. Misconceptions abounded. It had always been obvious that there was an intimate relationship between the parliament of Scotland and that of England ; and since the English historians, to the time of Stubbs, had continually laid stress upon the 'representative' nature of the English parliament, most studies upon the origin and importance of the Scottish parliament tended to turn on its 'representative' significance. In early days Caledonian enthusiasm twisted texts and crystallized vaguenesses into

a complete theory of constitutional liberty ; even in recent times, when the claim to priority to the ' Mother of Parliaments ' had been abandoned, discussion of the Scottish parliament still centred round ' representation ', and the contrast between the tenurial and the personal principle was duly emphasized. This discussion was valuable, but the modern insistence on the conciliar, and above all on the judicial, origins of the English parliaments has altered the whole outlook ; and when Professor Rait tells us (p. 452) ' that the High Court of Parliament was a meeting of the Scottish Estates exercising judicial functions, is written large over all our records ', he is putting himself in line with English and continental research. Broadly, the situation seems to be that Scotland stands midway between France and England. In France the judicial *parlement* and the representative estates remained entirely separate ; in England they were united ; in Scotland the process of fusion was slow and incomplete. The parliament of Edinburgh never rivalled that of Westminster in its representative quality, and though its judicial functions remained, it was never a purely judicial body like that of Paris. In the light of this truth several puzzling features of the Scottish constitution become comprehensible. The very intimate relations of privy council, general council, parliament, ' articles ' and ' session ', already explicable on the ground of a common, oligarchical personnel, cease to present any cause for surprise. Freed from the necessity constantly to explain what the nineteenth-century historians regarded almost as improprieties, Dr. Rait has been able to begin his investigation from the very start, and to conduct it on scientific lines, doing for Scotland what Professor Pollard has done for England.

In one sense he has done more, for he had no Stubbs to precede him, and his book is a work of exegesis as well as of analysis. It bears the pick-marks of the pioneer. It is not easy reading—marginal headings would have been a great aid to the close-drawn argument—and some of the theories have perhaps been pressed too far. It is possible that the distinction between the parliament, with its forty days' summons and its formal constitution, and the less solemn, but more practical, general council has been pushed too far back. Both bodies, when they emerge into a clearly separate existence, are found to be almost identical in composition, and save for parliament's judicial authority, to have almost the same powers. Certainly the procedure of 1370 and 1372, when the general committee of parliament was instructed to report to a ' general council of which it formed a part ', might be more intelligible if it could be assumed that the terms ' parliament ' and ' general council ' were sometimes used indifferently at this period. For the other part of this synthetic general council was parliamentary in origin too. Still, there can be no doubt that between the two bodies a real distinction arose, and that the essence of the distinction lay in the supreme judicial competence of parliament. The theory that the convention was simply the old general council under another name, too, seems to be completely proved. Certainly, in Scotland as elsewhere, differentiation of function was a slow growth, but of this truth Dr. Rait as a rule takes full account. Nothing could be more illuminating than the description of the slow and empiric development of the College of Justice out of the parallel but distinct judicatures of

council and parliament. The section on the various committees deals in fine distinctions, but these distinctions were real, and the tentative nature of the various expedients is fully recognized. One of the great services of the book is that it emphasizes the difference between commissions of parliament which had full powers, and the committees which 'reported'. Equally noteworthy is Dr. Rait's account of the development of the Scottish peerage, and his conclusions, though new, are not likely to be disputed. Apart altogether from the presentation of fresh theories, in many of which the author has enjoyed, and generously acknowledges, the assistance of Professor Hannay, the book is of immense value as summing up the established views. Many old errors are refuted, and there emerges a clear picture of the Scottish parliament, its constitution, its powers, its procedure, and the part it played in the national history. Through an amazing mass of dates Dr. Rait steers his way with hardly a slip, though the laws regulating the financial qualifications of the freeholders should be dated 1458 and 1504 instead of 1457 and 1503 respectively (p. 196), and the financial aspirations of the most optimistic convention hardly rose to 12,000,000 merks (p. 496). So much has been done that it seems ungrateful to demand more, but a chapter on the records would have been welcome, as would also a chapter on the theories of the author's precursors, especially the stout controversialists of the early eighteenth century. Not the least merit of the book is that it opens up fresh avenues of research; the useful parallels drawn from French history will naturally lead to further examination of continental institutions. The German diet with its *Deputation* might repay examination. The author frankly recognizes that much is still to learn, but he may congratulate himself on having produced the first really authoritative book upon an extremely difficult subject, a book which will dominate the study of the Scottish constitution for many years and whose value will be permanent.

J. D. MACKIE.

Early Deeds relating to Newcastle-upon-Tyne. Edited by A. M. OLIVER.
(Durham: Surtees Society, 1923.)

NEWCASTLE retains very few early municipal records, almost all the city archives having suffered destruction at the hands of Leslie's Scottish army in 1644. The chief of the surviving medieval documents is a thin folio register compiled in the late fourteenth and early fifteenth centuries, known as the *Liber Cartarum*. This contains, in addition to transcripts of royal charters, one or two rentals, and a few miscellaneous documents, a fragmentary chartulary of the hospital of the Virgin Mary in Westgate, and a chartulary of Tyne bridge. Both hospital and bridge were under city control, for the mayor and burgesses had the patronage of the hospital and the ownership of the bridge. The municipal authorities appointed the officers who administered the bridge endowment, gave their sanction to all demises of bridge lands, and even on occasion made such grants on their own authority, only taking care to affix to the deed the seal of the bridge in addition to the common seal of the town. They kept so tight a hold upon the hospital that it weathered the dissolution of the

F f 2

monasteries, and, eventually converted into an educational establishment, continues to this day as Newcastle Grammar School.

The corporation has sanctioned the publication of the two chartularies under the very able editorship of their town clerk, Mr. A. M. Oliver, who has appended to them abstracts of two other considerable collections of Newcastle deeds. One of these is a series of evidences of property in Newcastle conveyed in 1447 to the master and fellows of University College, Oxford; the other is a miscellaneous collection of deeds preserved in the treasury of the dean and chapter of Durham and relating for the most part to property of Durham Priory. Mr. Oliver has given us in all just over four hundred medieval deeds of conveyance of property within the borough. He might have got together a hundred or so more from other sources, but the four collections which he includes form a town chartulary which very few other boroughs can equal. For more extensive collections we have to turn to Mr. W. H. Stevenson's *Calendar of Gloucester Deeds* and to the various volumes of Oxford city deeds published by Mr. Salter for the Oxford Historical Society.

We have nothing but praise for Mr. Oliver's work as editor. His annotations are sufficient and are valuable for local history. He dates each deed, and gives the first trustworthy list of Newcastle mayors and bailiffs. In the absence of a town chronicle the fixing of the years of office of municipal officers is a difficult task, and the list has had to be laboriously constructed from the evidence of deeds and public records. His introduction furnishes an excellent account of the light thrown by the deeds upon burgage tenure in Newcastle. Newcastle was a town of restricted sale and restricted devise. Kinsfolk had the right of pre-emption. Burgage rents were low, the usual amounts paid being a halfpenny, a penny, and two-pence. Some of the earlier deeds give interesting evidence regarding houses in the town attached to baronial holdings. Five baronies owing castle-ward to Newcastle are found owning land for the stabling of horses. Three other baronies (Balliol, Bolbeck, and Delaval) had lands in the town appurtenant to them. We think that Mr. Oliver is mistaken in drawing a distinction between barony lands and castle-ward lands, and that castle-ward is the origin of the holding in every case; only the lands of the three baronies mentioned were not, like the others, alienated at an early period. The two non-baronial estates adduced by Mr. Oliver as having houses appurtenant to them in Newcastle stand in a different category. One of them is the serjeanty of Matfen and Nafferton; the other is the thegnage holding of Seaton, Whitley, and Seghill. Both appear to be of pre-conquest origin, and Mr. Oliver concludes that

A consideration of such evidences as are available points to the conclusion that although the building of the new Castle and the establishment of castle-ward may have occasioned considerable changes in the organization of the borough, the Norman military system was superimposed upon an older borough constitution which was not wholly abolished.

This we are inclined to doubt. The erection of the new castle imposed on the king's thegns a new obligation of castle-work, and the organization of the Norman borough may well have involved the attachment of houses in the town to existing thegnage holdings in the southern half of the

county, that is to say in the administrative area between the Tyne and the Coquet. These, however, are matters on which there can easily be two opinions. Newcastle, the Surtees Society, and the editor are alike to be congratulated upon this book.

H. H. E. CRASTER.

Early Treatises on the Practice of the Justices of the Peace in the Fifteenth and Sixteenth Centuries. By BERTHA H. PUTNAM. (Studies in Social and Legal History, vol. vii. Oxford: Clarendon Press, 1924.)

Quarter Sessions Records of the County of Northampton. Edited by JOAN WAKE. (The Northampton Record Society, vol. i. 1924.)

THE first of these books is a most tantalizing and, in some respects, almost a disappointing piece of work; but that this is the case is rather the fault of the reader than of Miss Putnam, for her title does not promise one tittle more than she performs. In his introduction Sir Paul Vinogradoff states that she traces the working of the justices of the peace in the fifteenth century, but in the main Miss Putnam really does nothing of the sort; her work is rather the fruit of the preparatory research for such a study, a detailed examination of the provenance and literary relationship of early treatises on the practice of the justices of the peace, together with a complete transcript of two of her main authorities, a Worcestershire manual of about 1422 and Marowe's reading of 1503. From these and other sources Miss Putnam may in good time give us the full story of the activities of the justices of the peace which she is so competent to provide; in this volume she does not go further in this direction than a very interesting discussion of certain of the practical problems raised by Marowe's reading (pp. 191-209). It is futile to blame an author for not doing what she did not set out to do, but one cannot help feeling occasional doubts as to whether she would not have been better advised to have devoted this volume to such a study and to have transformed these first-fruits of her researches into two or three weighty articles in some learned periodical.

After a brief but admirable survey of the manuscript sources for the history of the justices of the peace during the late fourteenth and the fifteenth centuries, Miss Putnam examines the treatises on this subject printed during the sixteenth century. These she divides into four groups: (1) the *Boke of Justyces of Peas* first printed in 1506; (2) Sir Anthony Fitzherbert's *Neue Boke* which appeared first in its French form in 1538; (3) William Lambard's *Eirenarcha* of 1581; (4) Richard Crompton's revision of Fitzherbert's *Neue Boke* in 1583.¹ Of these printed treatises she provides by far the best bibliography that has yet appeared (appendix i). She then proceeds to refute the not uncommon view that Fitzherbert wrote the *Boke* of 1506, pointing out the essential differences between this and the *Neue Boke* of which he was certainly the author. The *Boke* is indeed little more than a formula book of a rather miscellaneous nature, while the work of Fitzherbert contains not only the commission, the

¹ In addition Miss Putnam calls attention to a treatise by a certain John Goldwell of Gray's Inn on *The Office of Justice of Peace* of which she had discovered no copy surviving. Curiously enough a unique copy appeared at Messrs. Hodgson's sale of Lambard's library in June 1924; this may, of course, be an independent work and provide a fifth group.

charge, and a fairly complete collection of statutes dealing with the subject, but also a considerable amount of able legal comment and analysis.

It is, however, to the antecedents of the *Boke* that Miss Putnam devotes the rest of the first part of her work, and she follows them through the devious ways of the fifteenth century to a triple origin : (a) an alphabetical index to the new statutes dating from the early fifteenth century which may have suggested the celebrated series of abridgements ; (b) a form of the charge written wholly in French and dating also from the early fifteenth century ; (c) manuscript compilations based on the records of clerks of the peace and clerks of the Crown and formed about the middle of the fifteenth century. As the *Boke* therefore includes indictments which emanated from the clerk of the Crown and not from the clerk of the peace, it is a very unsafe guide to the legal practice or theory governing the office of justice of the peace in the early sixteenth century. For that Miss Putnam would rely upon Fitzherbert's *Newe Boke* and upon the reading ' De Pace Terre et Ecclesie et Conseruacione eiusdem ' given by Thomas Marowe to the members of the Inner Temple in the Lent vacation of 1503. This, which she prints in full, was used extensively by both Lambard and Crompton, and she examines in very considerable detail the various manuscripts in which it survives. In many ways one of the most valuable parts of Miss Putnam's work is the account she gives of the sources available for Marowe, Crompton, and Lambard, and the use made of Marowe by later legal writers.

It cannot be said that this is an easy book to read ; rather will it remain a useful one for reference. That this is so is largely due to two virtues which an historian ought certainly to possess, but which carried to extreme, as we fear Miss Putnam has done, tend to become vices. In the first place, she has so soaked herself in her subject that she finds it difficult to exclude matter which interrupts the real train of her argument and consequently on occasion makes it very difficult to follow. Secondly, she is so modest that she will state nothing on her own authority ; even the position of Merrow in Surrey is authenticated by a carefully quoted page reference to Bartholomew's Atlas (p. 116, n. 5), and the result is that her text is oppressed by a veritable cloud of foot-notes.

Miss Putnam has dealt with treatises, Miss Wake prints the actual records of the justices' proceedings in the county of Northampton for Michaelmas 1630, Easter and Michaelmas 1657, and Epiphany 1658. These are preceded by an admirable survey of the justices' activities in the early seventeenth century written by Mr. S. A. Peyton, and a critical and descriptive note on the Northamptonshire quarter sessions records by Miss Wake, who is to be congratulated on the way she has carried out her editorial functions. Especially useful are her brief English summaries of the Latin documents, her system of cross-references, and her triple index of persons, places, and subjects. We have noticed only one or two misprints (e. g. on p. xx, 1364 should be 1464 ; on p. xxxii, n. 7 should read ' p. 88 '). It is to be hoped that the Northampton Record Society will continue their publication of what is undoubtedly one of the most valuable sources for the social and economic history of the later seventeenth century.

E. R. ADAIR.

Die Idee der Staatsräson in der Neueren Geschichte. Von FRIEDRICH MEINECKE. (München : Oldenbourg, 1924.)

THE highest compliment which a reviewer can pay to this masterly volume is to say that it is worthy of the author of *Weltbürgertum und Nationalstaat*. Professor Meinecke is the most philosophical of living German historians, and his latest work is an admirable example of his capacity to interpret political ideas. It is as learned and weighty as Gierke's *Althusius*, and much more readable.

'*Staatsräson* tells the statesman what he must do in order to maintain the State in health and strength.' This simple definition is elaborated in a long introductory chapter of profound interest to the student of political theory. The striving for power is a primitive, perhaps even an animal instinct, which gropes its way forward. With man at any rate it does not confine itself to the needs of life and well-being, for he enjoys power for its own sake. But morality and law have also their claims. Between *kratos* and *ethos*, between the craving for power and moral responsibility, there is a bridge which we call *Staatsräson*, and which embodies the terrible difficulties involved in the parallelism of the actual and the ideal, the instinctive and the rational, of nature and spirit. *Staatsräson* is a maxim of fundamental duality, with one face turned to nature and another to spirit, while the natural and the spiritual blend in a middle zone. The goal is in the highest degree ethical, but the means of reaching it are coarse and elemental. Thus to obey the dictates of *Staatsräson* is to oscillate between light and darkness. It arises from the personal ambition of the ruler and the requirements of the ruled, who are thus united in the common human need of association. Thus the ruler is transformed into the servant of his own might. There is a gulf between the state and all other human organizations; for while the latter must always follow ideal standards, the state must sometimes sin. This is the most tragic aspect of history, that it is impossible radically to moralize the human family, and that the state, which is the guardian of law, cannot always be bound by its behests. The state is amphibious, living at one and the same time in the ethical and the natural world. The conflict is eternal, for neither of the combatants will ever yield.

After thus explaining the essence of *Staatsräson* the Berlin professor proceeds to trace the development of the doctrine. Lord Acton's famous Introduction to Burd's edition of *The Prince* prepares English eyes for the vast panorama unrolled in the present volume, which, however, as the author points out, merely selects representative types from the long list of European political writers. Every figure in the gallery is carefully painted, and we are no less grateful for sketches of the lesser than for full-length portraits of the greater gods. *Staatsräson*, like sovereignty, was unknown in the middle ages, when the division of power was an axiom of political philosophy, and when even the worst of rulers paid lip homage to moral and religious sanctions. The spell of authority had been broken before the Florentine secretary sat down to write; but it required a thorough pagan to turn his back on the ideas of a thousand years, to revive the ideal of the classical man expressing himself in the life of the

state, to preach the gospel of undiluted empiricism. *Virtù, Fortuna, Necessità*: here was the trinity which Machiavelli substituted for the Christian creed. The secularization of political thinking had begun, and from that day to this every writer has had to face the fundamental questions which the great Italian realist answered in his own terrifying way.

Though only thirty pages are devoted to the teaching of Machiavelli, his sinister spirit broods over the five hundred which follow. Gentillet assailed him in the name of ethics, Bodin in the name of law, Campanella in the name of religion. The law of nature, in which so many idealists of the seventeenth century found inspiration, proved a veritable armoury of missiles in the fight. But if the philosophy of *The Prince* could not be accepted, neither could it be wholly rejected. As the controversy developed it became ever clearer that the state was in a class by itself. The best minds, such as Grotius and Spinoza, endeavoured to do justice to the claims both of nature and spirit, while the French publicists of the Richelieu era worked out a doctrine of national service. The eighteenth century, with its rationalistic outlook and its enlightened despotism, witnessed not only the development of the doctrine of *Staatsräson* but its practical application by the greatest ruler of the age. Of the three figures who dominate the stage in this volume, Machiavelli, Frederick the Great, and Hegel, the king of Prussia receives by far the greatest space; for of all the writers who joined in the great debate the author of the *Anti-Machiavel* alone had the opportunity or the ordeal of embodying principles in action. Every one is aware that two years after denouncing the creed of the Florentine the young king seized Silesia; but his record must be studied as a whole. His celebrated declaration that he was the first servant of the state was the expression not merely of an ideal but of a fact. As Dr. Meinecke points out, he set the state above himself and above the dynasty. 'The interest of the state is the law of princes, and this law is inviolable.' He gave orders, for instance, that if he were taken prisoner the rulers of Prussia should make no sacrifices of her interests or her territory to secure his release. 'The ideal gave way to the elemental in the action of the king, but kept its place in his thought;' and his doctrine of service helped to reconcile the antagonism of nature and spirit.

The massive chapter on Hegel, which stands out from the later pages of the volume, summarizes the new materials for our knowledge of his thought which have been published during recent years, and utilizes the latest discussions of his theory of the state. Next to Machiavelli himself Hegel is the boldest thinker in our list, and no writer of the first rank has given such testimonials to the author of *The Prince* or come so near to accepting his conclusions. While the critics and moralists had wrung their hands over the antagonism between the ideal and the actual, Hegel knocks down the partition, denies the conflict between policy and morals, and unflinchingly proclaims that the state has no higher duty than to maintain itself. 'The real is the rational, and the rational is the real.' At first sight it looks as if the struggle has ended by the capitulation of one of the combatants, and our author, in a forcible phrase, compares the patronage of Machiavelli to the legitimization of a bastard; but he adds

that the balance is to some extent redressed by the ethical sanction given by Hegel to the interests of the state, which must not only possess power but express the spirit of the people. Even with these qualifications the Hegelian idolatry of the state encouraged tendencies in Prussia which were already stronger than was desirable for the soul of the people. The last portrait in the gallery is that of Treitschke, whose 'dangerous' doctrine is contrasted with his 'deeply ethical' character. German thinking about the state, concludes the professor with his eye on Kant, is naturally anti-Machiavellian, and it was, above all, the longing for national unity which popularized the gospel of *Macht*.

In a concluding chapter the author gathers up the threads of his large discourse, and ends on a note which shows that he has learned the main lesson of the world war.

The attack on Belgium harmed us more than it helped, and the unbridled egoism of French policy threatens to render incurable the catastrophe which befell western Europe. Only in a family association of states can the individual state find abiding welfare. The sentiment of European solidarity embodied in the medieval idea of the *Corpus Christianum* must be recovered.

Staatsräson, as the pages of this admirable book teach us, is an elastic conception, and is quite capable of adapting itself to a world whose problems can only be successfully approached in a spirit of international co-operation.

G. P. GOOCH.

La France et Rome pendant les Guerres de Religion. Par FÉLIX ROCQUAIN.
(Paris: Champion, 1924.)

It is fifty years since M. Rocquain's first historical work appeared, and he is to be congratulated on the publication of this judicial review and summary of the long religious crisis in France between Henry II's edict of Compiègne, which reaffirmed the death penalty for all convicted heretics, and Henry IV's edict of Nantes. In clearness, proportion, and impartiality the book is admirable, and will be of great value to any one wishing to read a general account of these critical years, but to any one at all familiar with recent work on the period it is somewhat disconcerting to find no reference, for example, to the researches of M. Lucien Romier, or to so relevant a collection of documents as Susta's *Die Römische Curie und das Concil von Trient unter Pius IV.* For the important dispatches of the nuncio Santa Croce M. Rocquain relies on the *Archives Curieuses*, but Susta discovered two other collections at Rome containing nearly three times as many letters from the nuncio as were printed in the *Archives*. Most of these omissions are no doubt due to the fact that M. Rocquain had finished his book in 1914, but when M. Champion gallantly came to his rescue as publisher there must have been an opportunity of incorporating at least some reference to recent work. Perhaps M. Rocquain felt, like an earlier historian, that 'his siege was finished'. He does not trouble himself very much about the modern cult of the critical apparatus. There is no bibliography and the citation of authorities is vague. For example, is 'Laderchi' enough for the volumes of the *Annales Ecclesiastici* which Laderchi edited? But, though the reader may occasionally wish for more

details, it is always clear, not only that M. Rocquain has a balanced judgement, but that he has read very widely in this period.

In so far as the book has a particular aim it is intended to give special attention to the relations between France and the papacy, but M. Rocquain does not enter into the details of papal policy or diplomatic correspondence. Compared, for example, with M. Hirschauer's recent work *Pie V et France*, it is a good example of the history that generalizes and judges, as contrasted with the history that seeks for minute accuracy and cites a superabundance of proof. For the most part the popes were concerned to make repression of the Huguenots more severe and to ward off the danger of a national church in France, a danger with which Catherine de Médicis so astutely threatened them by her frequently proclaimed intention to summon a national church council. Politically Rome, though not very desirous of a close union between France and Spain, desired to prevent war between the two countries, especially during the brief ascendancy of Coligny which preceded and led up to the St. Bartholomew. From time to time the popes welcomed France as a support against the excessive authority of Philip II. Issues in Europe were so complicated and so constantly changing that an unswervingly consistent policy was impossible. The catholic powers could not even unite to destroy the city of heretics at Geneva. Rome, therefore, had occasionally to be content with compromises. Thus the tolerant edict of January 1562 was, as M. Rocquain says, unwelcome at Rome; but M. Romier has shown that the Curia at this time was so anxious to secure French representatives in the council of Trent that Catherine's promise to send French bishops outweighed the offence of the edict.¹ When at war with the Huguenots, Catherine had no great difficulty in raising troops but much in paying them, and she made very many appeals to Rome for financial aid. Pius IV and Pius V granted loans, making it a condition that 'the cause of religion should be embraced more seriously'. Pius V and Gregory XIII authorized the raising of funds by the alienation of church property. M. Rocquain does not notice that in the early part of his reign Pius V had forbidden any such alienation, in what Ranke describes as 'one of his most severely energetic bulls'.² Pius V also sent troops in 1569, and urged again his policy of no compromise. But the popes never succeeded in preventing the renewal of edicts granting some privileges to the Huguenots.

M. Rocquain shows the hesitating policy of Gregory XIII and Sixtus V in regard to the league, after it was refounded in 1584. Sixtus V at first formally declined to approve it, but within a few months granted the request of the leaders of the league that he should declare Henry of Navarre and Condé incapable of succeeding to the throne of France. This at once led to protests from lawyers of the Gallican school, and gave Henry a new class of supporters. He could pose as defender of French liberties, and papal policy began to be suspect to the moderate catholics. Sixtus was compelled to authorize a further sale of church lands, and this irritated the French clergy. Such were some of the difficulties which confronted the popes in their apparently straightforward policy of opposi-

Catholiques et Huguenots à la Cour de Charles IX, pp. 295-6.

² *History of the Popes*, Engl. ed., i. 275.

tion to the heretics of France. Before the end of his reign Sixtus had to moderate the violence of his own legate Gaëtens, and M. Rocquain quotes evidence that the pope as early as 1589 was hopeful that Henry IV would become a convert, and that in April 1590 he had arrived at the conclusion that the war of the league was political, not religious. Sixtus was a far-seeing man, and he knew that there would be little liberty for his successors in the chair of St. Peter if Spain were to become dominant in France. M. Rocquain tells clearly the story of Clement VIII's absolution of Henry IV, whom he regards as the saviour of French national unity. He makes sparing but effective use of the dispatches of Ossat, of which Lord Acton said that they 'were long received, and perhaps still are, as the best in the language, and the model of all diplomacy'.

WALFORD D. GREEN.

The Great Plague in London in 1665. By WALTER GEORGE BELL. (London: Lane, 1924.)

MR. BELL has given us for the first time a full and careful history of the great plague from the appearance of the first signs of the threatened visitation to its gradual decline in the following year. The book is based on a close study of original sources, both manuscript and printed, and is well furnished with references to documents throughout. The author makes a needless apology for the manner in which his pages are peppered with foot-note references. In such a work the citation of sources is indispensable. The use of foot-notes does not consist merely in the justification of the writer's text, they are a very necessary clue for those readers and students who for reasons not necessarily relevant to the text may desire to pursue some statement to its source. There are few greater difficulties in the study of the history of London than the constant repetition of unauthenticated statements, which after painful search prove to have no better foundation than hazardous conjecture or original error. Foot-notes when properly used do not involve any reflection on the author, and do not become pedantic except when they are multiplied without discrimination. No reproach to Mr. Bell can be offered on this score, and it is not the least merit of an admirable book that the reader is furnished so well with the proofs of the recorded facts.

Defoe's famous *Journal of the Plague Year* has long passed muster as an historical narrative. Mr. Bell is 'unable to regard it as anything other than an historical novel', and justifies his criticism by showing how often Defoe is inaccurate. It would of course have been contrary to Defoe's method if he had not made use of good material, but equally he had no scruple in fashioning it to his purpose as occasion required. Mr. Bell shows how Defoe's *Journal* was in great measure built upon the 'Orders conceived and published... concerning the infection of the Plague, 1665'. But he shows also that Defoe knew those orders only through a reprint published in 1721, the year before the *Journal* appeared. Yet further it appears on investigation that the orders issued in 1665 were themselves little more than a reprint of the previous orders of 1646. Defoe had accepted the orders as evidence of what was done, but when Mr. Bell comes to test them by comparison

with the record of what actually happened, he is able to show that they represent no more than such counsel of perfection as the experience of the time afforded. The truth could only be discovered by the piecing together of innumerable small details from such sources as the Privy Council Registers, the records at the Guildhall, the parochial registers of burials, the printed Bills of Mortality, and contemporary narratives like the *Loimographia* of William Boghurst (which was not printed till 1894) or the *Loimologia* of Dr. Nathaniel Hodges. Boghurst and Hodges were both of them medical practitioners who remained at their posts throughout the plague, and their narratives have furnished Mr. Bell with invaluable material. But not the least important feature of the present book is the pains which have been devoted to extracting the information contained in the parochial registers of burials and the less trustworthy Bills of Mortality; less trustworthy because they did not reveal the whole truth. The results are shown in a series of charts illustrating the progress of the plague to its culminating point in September, its geographical distribution, and its gradual trend from west to east (it was in St. Giles-in-the-Fields that the plague first became epidemic). These charts show how the plague was most severe in the suburbs and out-parishes, the city within the walls suffering much less. That is of course to be explained chiefly by the concentration of the poorest class outside Aldgate and Bishopsgate in the east, and outside Cripplegate, Newgate, and Ludgate in the north-west and west. Wapping, Stepney, Southwark, and the older part of Westminster suffered in like manner. In the parishes of St. Giles- and St. Martin-in-the-Fields the plague was similarly severe in the oldest and most densely populated areas; it does not appear to have extended to the residential quarters which were already springing up further west. As Mr. Bell points out, the plague was emphatically a visitation of the poor crowded in squalor and rat-infested tenements. The measures adopted were often futile in themselves, but their application was the more difficult through the circumstances of the outbreak. It was probably beyond the power of the authorities to control the emergency, but except for the devotion of some physicians and ministers, and the exertion of a few men like the lord mayor (Sir John Lawrence), the duke of Albemarle, and the earl of Craven, there are few whose conduct Mr. Bell can praise. Albemarle deserves special credit as one of the few men of position who remained at his post throughout. To Craven also praise is due both for what he did and for the good judgement in which he profited by his experience. It was Craven who first realized the importance of isolation hospitals in preference to the mischievous practice of shutting up the inhabitants of an infected house, and twenty years later he gave three acres of land in St. Martin-in-the-Fields for a pest-house. This Pest-house Field has been often identified as the site of the St. Martin's pest-house of 1665. But the latter, as Mr. Bell shows, was a different place, in a piece of ground called Clayfield in Soho Fields (a term of somewhat wide application). Mr. Bell could not fix its precise position; but it was on the east side of Warwick Street extending over part of Golden Square. The northern boundary was nearly on the line of the present Beak Street; the bones found in Beak Street may therefore probably mark a plague-pit used in connexion

with this pest-house. This was well away from the houses in 1665, though there were many houses nearer to it than Clarendon House. In an appendix Mr. Bell gives: the Privy Council Rules and Orders issued in 1666, which embody the experience of the previous year; the account by Dr. George Thomson of his post-mortem examination of a plague victim; and a copy of a contemporary poem on the great plague. There is also a useful bibliography of sources both printed and manuscript. C. L. KINGSFORD.

Calendar of State Papers. Colonial Series. America and West Indies, 1710-June 1711. Edited by C. Headlam. (London: Stationery Office, 1924.)

THE most recent instalment of the colonial series of the Calendar of State Papers carries us a further eighteen months along the road of the eighteenth century. To those with some knowledge of colonial history the interest of the volume is somewhat discounted by the fact that a most important portion of it, dispatches by Hunter of New York and Spotswood of Virginia, have been already published in *Documents relating to the Colonial History of New York* and in the collections of the Virginia Historical Society. So far as the continental colonies were concerned, the period in question was one of achievement. In Massachusetts, as well as in New York and Virginia, strong men were at the helm; and relations between the governors and the assemblies, if by no means cordial, tended somewhat to improve; though 'the new and unaccountable humour of excluding gentlemen from being burgesses', noted by Spotswood, boded ill for the future. The dismal record of blundering and failure in attempts against the French possessions was interrupted by the successful capture of Port Royal, which decided the future of Acadia. But even here we note the carelessness and negligence of British methods. Had the advice been taken of the men on the spot, and of the American colonists, and had a serious effort been made to provide Nova Scotia with an English-speaking population and the French been dealt with equitably but firmly, the scandal of the deportation of 1755 would never have occurred.

Again, the recommendation of the council of trade and plantations that parliament should intervene to secure a fixed revenue for the government of New York remained *brutum fulmen*, and things muddled on till the inglorious capitulation of the home authorities in the matter of the governor's salary in both Massachusetts and New York. Equally ineffectual were the negotiations that took place between Penn and the privy council with respect to the handing over by the latter of his proprietary rights in Pennsylvania to the Crown. There was always a strain of canniness mixed with Penn's idealism which is well illustrated by the letters here published; and the lords of trade and plantations, though recognizing the inconvenience arising from proprietary colonies, were not willing to recommend such compensation as he demanded.

The volume tells us much of the high hopes raised with regard to the production of naval stores in America, and reveals some of the reasons for their failure. When we turn to the West Indies the picture presented is one of almost unmingled gloom. In the Leeward Islands the dispute

between the arrogant and overbearing governor and the lawless and excitable colonists culminated in the assassination of the former. Whatever may have been the sins of Parke—and no doubt he was immoral in private life, hypocritical, and perhaps dishonest—it throws an ugly light on the temper of the people that after his murder there was no reaction or signs of sorrow; whilst the manner in which the situation was met by the home government did not tend to impress the islands with a sense of the imperial power. The privy council no doubt tried to do its duty towards these colonies. When it was found that the high duties payable on prize goods at Jamaica cooled the enterprise of those occupied in their capture, it recommended that the duties arising in pursuance of the Act for the encouragement of the trade to America upon cocoa, sugars, indigo, snuff, tobacco, pimento, and other commodities of the growth of America, which were usually afterwards imported into Great Britain and paid the full duties there, and also upon wines and brandies, which were seldom sent from Great Britain, should be ‘discharged of the said British duties; and the rather because the said several commodities are upon importation into Jamaica lyable to pay large custome towards the support of that government’.

As an example of the extreme pretensions of these tiny oligarchies we may note the claim of the Antigua Assembly that its speaker had the negative voice in the passing of laws. No wonder that the lords of trade and plantations declared

that the Assemblies insisting on a privilege which her Majesty has preserved to herself, and only deputed to you (the Governor) and the commander-in-chief for the time being is an undutifull attempt upon her Majesty's royal prerogative which is contrary to the constant usage here 'n Great Brit.in and what none of her Majesty's other plantations in America have ever pretended to.

Meanwhile the lords of the admiralty complained bitterly of the law which forbade the taking men from trading ships or privateers in the plantations, so that

when by death or sickness the Queen's ships in the Plantations are rendered incapable to proceed to sea, their commanders dare not use such methods as formerly to supply themselves with men; insomuch that severall ships have remain'd intirely useless, as at this time two of H.M. Ships of the fourth rate have layn long in harbour for want of men to bring them home, and several others cannot, for the same reason, proceed on those Services which are necessary as well for annoying the ennemy, as the security of the trade.

It is suggestive of the slovenly methods of conducting business that prevailed that the unfortunate clerks of the board of trade are found frequently petitioning for arrears of salary.

H. E. EGERTON.

Robert Walpole et la Politique de Fleury (1731-1742). Par PAUL VAUCHER. (Paris: Plon, 1924.)

La Crise du Ministère de Walpole en 1733-1734. Par PAUL VAUCHER. (Paris: Plon, 1924.)

IN the second and smaller of the above volumes the author has narrated with interesting fullness the parliamentary and electoral struggle over Walpole's proposal to substitute excise for customs duties on tobacco and

wine. He makes good use of contemporary pamphlets, but he adds little that is novel to our knowledge except the statement, confirmed by evidence from French archives, that Bolingbroke, in return for a subsidy from France, furnished information on English politics to French ministers, and the conjecture, unsupported but not improbable, that Walpole's discovery of this correspondence helped to drive Bolingbroke from England in 1735. Dr. Vaucher looks on the withdrawal of the financial scheme as the first fatal blow to Walpole's ascendancy, and he regards his absorption in domestic politics during these two years as a contributory, though not (like Frederick the Great) as the dominant cause of his refusal to take part in the Polish succession war.

The larger volume, which deals almost wholly with foreign policy, and especially with the relations between England and France from 1731 to 1742, is a far more important work, and makes a really valuable contribution to our knowledge of a period which has never been adequately studied in this country. The starting-point is well chosen, because the treaty of Vienna in 1731 is a turning-point in English foreign policy, and also because it was the direct result of Walpole's resolute incursion into the domain of external relations which he had hitherto left to his colleagues.

The co-operation between England and France, effected by Dubois and Stanhope in the Triple and Quadruple Alliances, and renewed by Townshend in the treaty of Hanover, marks an interesting departure from the whig traditions which had been laid down by William III and continued by Marlborough. The alliance passed through a crisis when Bourbon was superseded by Fleury, but Horace Walpole, then ambassador in Paris, was confident that he had evaded a rupture, though he admitted the misgivings caused by the admission of Chauvelin to the French ministry. The alliance began to be strained when the treaty of Seville imposed upon the allies the task of extorting from Austria acceptance of the Italian settlement which had been concerted with Spain. All attempts to overcome the obstinacy of Charles VI had failed, and Townshend was converted to the necessity of employing force against our old ally, when Walpole suddenly took matters into his own hands, thrust his brother-in-law out of office, and purchased Austrian acceptance of the treaty of Vienna by paying the one bribe which France had so far stoutly refused, the guarantee of the Pragmatic Sanction. By this act he freed England from dependence upon France, and reverted to the 'old system' beloved of Newcastle. Any misgivings which he may have felt were removed, partly by confidence in Fleury's apparently resolute pacificism, and more completely by the final restoration of peace to Europe in July 1731, when Spain rather grudgingly adhered to the treaty.

Walpole seemed at the time to have gained a conspicuous diplomatic triumph, marred only by France's refusal to accept the Pragmatic Sanction, in spite of English willingness to purchase such acceptance by a grant of security on the side of Lorraine. But, as against any danger of French intervention in regard to the Austrian succession, England seemed to be reasonably secure so long as she could hold Spain and Austria together and thus keep France in isolation. Walpole himself believed in the security of his position, and was induced by that confidence to undertake

those fiscal reforms which had so unfortunate an issue. Events, however, soon proved that his triumph was doomed to be short-lived. Elizabeth Farnese was not satisfied with a settlement which left Austria in possession of all the old Spanish dominions in Italy except Sardinia, and her immoderate pretensions irritated and must sooner or later alienate Charles VI. What was worse, the isolation of France forced Fleury more and more into the adoption of Chauvelin's policy, which aimed at weakening the maritime powers by an alliance with Spain and at establishing a balance in Italy by aggrandizing the house of Bourbon at the expense of the Habsburgs. The greedy king of Sardinia could always be bought by a promise of the whole or part of Austrian Lombardy. Such a coalition, if it could be formed, would destroy the foundations of the Utrecht settlement, which England had hitherto consistently supported. And in 1733, when Walpole was absorbed in a great parliamentary struggle, these dangers were suddenly realized. Charles VI's conduct in opposing Louis XV's father-in-law in Poland served as a pretext for an anti-Austrian coalition of France, Spain, and Sardinia. And the emperor's first act was to call upon England for the assistance due under the treaty of 1731.

Walpole's determined abstention from the war of the Polish succession (based upon the double pretext (1) that England had no interest in Poland, (2) that Dutch neutrality had been artfully secured before the war began by a French promise to respect the Netherlands) has been frequently discussed, and for the most part has been rather enthusiastically commended. In the present day no statesman who keeps his country out of war is likely to be harshly criticized. That he stuck to his policy in spite of the pressure of the king, the queen, and his own colleagues—Dr. Vaucher demonstrates that the opposition leaders were far less bellicose than has generally been supposed—is evidence of his strength of will and of his personal ascendancy. But a strong man is not always a wise one, and many modern scholars would adopt the view advanced by Newcastle in 1752 that if Walpole had fought the house of Bourbon in 1733 the Austrian succession war need never have been fought at all, or at any rate not on so large a scale. To this problem Dr. Vaucher is singularly inattentive. In fact for a French historian he is conspicuously undogmatic. He analyses the motives and traces the course of policy, but he largely leaves his readers to praise or to condemn. He follows the same method in the later chapters of the book, in which he tells the story how Walpole was coerced, by his colleagues rather than by his opponents, into the Spanish war of 1739 and later into the war of the Austrian succession. On the whole the author is inclined to defend Walpole, but it is difficult to read his narrative without being forced to the conclusion that Walpole was not at his best in dealing with foreign affairs, that he was no match in subtlety for French diplomats, that he lowered England from the commanding position which it held under Stanhope and Townshend to something not far removed from ignominy, and that he might have done better if he had adhered to his earlier attitude, later resumed by Henry Pelham, that a prime minister is a critic rather than a dictator of foreign policy, and that the conduct of diplomacy should be left to the secretaries of state.

Among the many interesting points in the book is the light thrown

on the relations between Fleury and Chauvelin, and the causes of the latter's ultimate dismissal. It has been usual to accept the Walpoles' estimate that Fleury was the friend of England and of peace, whereas Chauvelin was the advocate of war and the enemy of the maritime powers. In a famous sentence Frederick the Great has helped to confirm this view. But Dr. Vaucher adduces evidence to show that the divergence between the two French ministers was much less than appeared to outside observers, and suggests that Fleury artfully encouraged the English ministers in their belief in order the more effectually to conceal and excuse his own policy. Thus Chauvelin played the part of Jorkins to Fleury's Spenlow.

Throughout his work Dr. Vaucher gives ample references to his authorities, and he has made admirable use of his materials. He has mastered the official correspondence in the French archives and the English Record Office, and he has supplemented and corrected this by an extensive use of contemporary memoirs and pamphlets, and especially of that invaluable rubbish-basket of eighteenth-century history, the Newcastle Papers in the British Museum. He has consulted all the modern writers on the period, and pays perhaps excessive deference to some English authors whose knowledge was much less extensive than his own. His insight into English domestic parties and politics is unusually accurate, and it has been left to him to give the clearest account of Walpole's ministerial position. He points out very properly that in the charge against him that he was a first minister both accusers and defenders were thinking of the French office of *premier ministre*, which had no parallel in England since the great justiciars of the Angevin kings, and not of the modern premiership, which had not yet developed and to whose growth Walpole's long tenure of office materially contributed.

In addition to occasional misprints there are certain points of detail which might be attended to in any reissue of the book. In the foot-notes it would be kind to attach the date of the year to the dispatch referred to. Frequently it is necessary to turn back several pages in order to make sure whether a certain letter was written in 1736 or 1737. And it is certainly unusual to find abbreviations, common enough in manuscripts, reproduced in the printed text. There must be some readers who may be puzzled at the outset to recognize that 'S.M.T.C.', 'S.M.C.', and 'LL. HH. PP.' mean respectively the king of France, the king of Spain, and the states-general of the United Provinces.

RICHARD LODGE.

The History of the American Frontier, 1763-1893. By FREDERICK L. PAXSON. (Boston : Houghton, Mifflin, 1924.)

THIS is not a history of boundary disputes ; the term frontier, as used by American historians, has no international connotation. For want of a better term it has been applied to the transitional zone between whites and Indians, farms and wilderness, and to all western communities during their first generation of settlement. Until 1893, when Frederick J. Turner read his momentous paper on *The Significance of the Frontier in American History*, the historians of the United States, with the exception of Parkman, had treated this westward advance as a side issue, and oriented the

history of their country by the two poles of the revolution and the civil war. Professor Turner's paper was a trumpet-call to a new generation of western scholars. With a zeal that was fortunately directed by competent historians they delved into the sources, documentary and oral, of every phase of the westward movement. They produced an enormous mass of printed sources and monographic material, much of it inaccessible and most of it still unknown to students overseas. Professor Paxson, one of the most eminent members of the school of Turner, has presented in a single volume a balanced and comprehensive synthesis of all this material. He has not attempted to rewrite American history in terms of a process; he has described the process itself. But, incidentally, he has given a new meaning to many events in American history, such as the election of Jackson, the Mexican war, and the civil war.

The earlier chapters show how the conquests of 1763 complicated the problem of governing overseas communities from Westminster; how the intra-colonial conflicts of pioneers against easterners swelled the movement for independence. Congress inherited the imperial responsibility for separating frontiersmen from Indians, keeping the western gates open, and administering the public domain. A new international conflict for the Mississippi and Ohio valleys was averted by the statesmanship of Washington and the diplomacy of Jefferson. Chapter xix is significantly entitled 'The Western War of 1812'. We are told why the treaties that Congress made with the Indians were always torn up. National politics of the period 1820-60 are found to be no simple struggle between union and states' rights, or freedom and slavery; but a shifting balance of power between northern manufacturers, western farmers, fur traders, filibusters, and cotton planters. The importance of improved methods of transportation in accelerating the rate of westward advance is rightly stressed. Later phases of the frontier: mining development in the Rockies, the cattle range, the disruption of the Indian tribes, the agrarian discontent and crude panaceas that issued from regions too rapidly developed, are admirably told in the last hundred pages.

S. E. MORISON.

Le Rôle Politique de Marie-Antoinette. By JEANNE ARNAUD-BOUTELOUP.
(Paris: Champion, 1924.)

THE modern historian is apt to teach that the course of all history is determined by economic causes and that the influence of the individual is negligible and accidental; but the unregenerate reader still finds the history of a personality of more absorbing interest than that of an economic force. But the general reader and the student alike will welcome this admirable study of the political rôle of so perplexing and tragic a figure as Marie-Antoinette.

In her Introduction Mlle Arnaud-Bouteloup takes first the accusation of the public prosecutor and then the four questions put by the revolutionary tribunal to the jury. In her well-balanced narrative, in which she is never tempted, even by a diamond necklace, from the path of strict relevance, she allows the queen to answer these charges

herself, by the judicious use of quotations from letters and contemporary memoirs.

The political rôle of Marie-Antoinette is sharply divided into two parts by the outbreak of the Revolution. Before that date the dauphine, and still more the queen, consciously destined to be the gage of the alliance, was the mouthpiece of the court of Vienna in Paris. At first the unpopularity of the alliance prejudiced the nation against the dauphine, but later the unpopularity of the queen reacted on the alliance, of which *l'Autrichienne* was thought to be the only bond. Mlle Arnaud-Bouteloup considers that Marie-Antoinette sincerely believed the alliance to be for the peace of Europe and the glory of France, and that in the light of after events it may well be thought that had the will of the queen prevailed Prussia would not have become the predominant power among the German-speaking races. Her influence in home affairs was erratic and would have been negligible had not her imprudences, by discrediting the monarchy, contributed to the fall of the *ancien régime*.

With the outbreak of the Revolution the political rôle of Marie Antoinette changed. Foreign policy became a secondary consideration. The queen of France and mother of the dauphin became the advocate of her husband at the court of Vienna, from a sincere conviction that in asking the emperor to restore the king his freedom she was asking him 'to save France from total ruin'. Mlle Arnaud-Bouteloup acquits her of conspiring with the *émigrés* and of sending money out of the country, but agrees that the charges of promoting foreign interference and of supplying information to the enemy are proved, even to the extent of sending the emperor Dumouriez's plan of attack on Belgium. While assuring Mirabeau, Barnave, and the *feuillants* in turn of her good faith and complete confidence, she continued to work behind their backs for an armed congress, because she was satisfied that the liberty of the king to lead the nation could not be restored until 'toutes les puissances s'en mêlent'. The plan of an armed congress matured in 1814. The crime of Marie-Antoinette lay in not realizing that neither France nor Europe was ripe for it in 1792.

Mlle Arnaud-Bouteloup does not claim to have added any new material, but she has drawn on all the volumes of correspondence, both diplomatic and personal, notably on that between the queen and the *feuillants* not published till 1913. By comparing day by day the letters to her French and foreign advisers, she has shown both the tortuous method and consistent purpose of Marie-Antoinette, and has presented a complete and convincing study of that queen against whom the scales of fate were so heavily weighted.

M. A. PICKFORD.

Kronprins Frederik og hans Regering 1797-1807. I Bind. Af AXEL LINVALD. (København: Gad, 1923.)

THIS solid volume of 378 pages of text, followed by nearly a hundred of notes and index, is the outcome of an invitation to the author to complete the *Danmark-Norges Historie* of Holm. On delving into archives hitherto unused, however, Herr Linvald became convinced that the period 1797-1807 had been misjudged. In place of lassitude and reaction after

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Bernstorff's great reforms, leading naturally to the disasters of 1807-14, he found a decade of continued adhesion to the principle of progress under a firm, humane, and industrious regent prince. The agrarian question and the economic needs of other classes occupied the attention of the government to the prejudice of prudence in foreign affairs, and although the limitations of the future Frederick VI were reflected in the doctrinaire character of Danish legislation, the achievement of this period in the region of reform bears comparison with that of Bernstorff's days.

The first section of the volume deals with the machinery and personnel of the government. Christian VII, suppressed as irresponsible in 1772, continued to his death in 1808 to preside in the council, to play his part in the circle at court, and to command a measure of loyal affection in the country. It is unfortunate that the evidence utilized here was not considered by Dr. Viggo Christiansen when he diagnosed the malady of the king. The real ruler of Denmark, however, was the future Frederick VI, whose character and contribution are elaborately analysed. It is startling to find so desiccated a prince dabbling in spiritualism and hearing from his father-in-law, that Charles of Hesse whom the English were wont to bribe, how the ghost of the ponderous A. P. Bernstorff had appeared in a white mantle with the news that his function in the holy places was to tend the holy plants. In 1801, when Reventlow and Schimmelmann were unnerved by the storm, the crown prince played a royal part, but the more terrible crisis of 1807 proved him rather an administrator than a statesman.

Having scrutinized the several persons and bodies which composed the government, Herr Linvald devotes his second section to its activity in protecting trade and navigation, and to the policy of neutrality. With the aid of the British records a narrative, clear and detailed though not particularly novel, traces the efforts of the Danes to safeguard the new prosperity which they owed to the struggle between France and England. The French, it would appear, showed conspicuous moderation in naval matters when their power had vanished; the English, when they had become supreme. For the catastrophe Herr Linvald is inclined to blame Joachim Bernstorff, whose policy of asserting impossible juridical claims he contrasts with that of securing practical concessions which Denmark followed during the great war. The unwisdom of the Danish government, and its blind trust in the good fortune which had shielded the state during the eighteenth century, resulted in the mishandling of Canning, who 'despite all his considerable qualities lacked experience and intimate knowledge of the unwritten laws of diplomacy and was moreover self-confident and inconsiderate, opinionated and irritable'. Thus two friendly nations drifted into a seven years' war which cost the weaker Norway.

The third section is a detailed study of social and economic policy, dealing successively with agrarian reform and the completion of peasant emancipation, trade, and navigation, the latter surprisingly wide and ambitious, and industry and manufacture, which in 1801 supported only 15,430 souls. A brief 'retrospect and results', notes, and a personal index conclude a lucid and serviceable work. W. F. REDDAWAY.

The Foreign Policy of Castlereagh, 1815-1822. By C. K. WEBSTER.
(London : Bell, 1924.)

THOSE students of history who happen to be chiefly interested in modern Europe have been looking forward with pleasure to the appearance of Professor Webster's work on Castlereagh. They will not be disappointed in reading it. It is what the French call a work of *longue haleine*, the result of prolonged study, and composed in a sustained, closely reasoned effort. It is a very substantial volume, full of information and ideas, with full references throughout the pages. The reader naturally desires to peruse a book like this with especial care, to mark its important passages, and to assimilate its information and conclusions at leisure. The present writer did, as a matter of fact, begin by marking the important passages as he read, but he soon practically abandoned this system, for he found, as he went on, that he was marking nearly every line or paragraph. This was because much of the information was either new, or was put in a new, fresh way, and because all the ideas and conclusions were interesting, many of them arresting, most of them to be agreed with, and the balance to be disagreed with or queried.

Mr. Webster states his outstanding ideas concerning Castlereagh's foreign policy at and after the conclusion of the great war as follows : *first*, that under the influence of this statesman, during the seven years after the second peace of Paris (20 November 1815), ' British foreign policy, both in principle and method, followed a course entirely different from any that had previously existed ' ; *secondly*, that this new policy, although broken off sharply in 1822 and never resumed during the rest of the nineteenth century, ' left a permanent impress on European diplomacy ' ; *thirdly*, that this new policy, largely the result of the struggle against the French Revolution and Napoleon, was, in the particular form which it assumed, mainly due to Castlereagh. The particular invention of Castlereagh in this new foreign policy was (Mr. Webster adds) the new system of Conferences which was associated with it. So long as the British statesman lived, this system, although distorted by continental autocracies, did not entirely lose its original character ; but when Castlereagh died, there was nothing left to check the disruptive forces of Europe.

The European system, in the period after the great war, centred round the institution of monarchy. The monarchs had been the symbols of resistance to the Revolution and to Napoleonic domination. They remained, after the war, the representatives of stability and of international law, because, through their fellow-feeling for each other as brother monarchs, they looked upon Europe as a confraternity or unity. Mr. Webster does justice to the institution of monarchy, but he is hard on the individual monarchs. It was ' an age ', he says, ' when most monarchs were defective in intellect '. Yet it is scarcely necessary to say that the tsar Alexander I was above the standard of intelligence of the average member of the educated classes ; that William I of the Netherlands was distinctly a *roi éclairé* ; that Louis XVIII, even if he had ' forgotten nothing and learned nothing ' since the Revolution, showed a large fund of good sense after the restoration ; while Francis I of Austria,

though a wooden sort of Habsburg, was at any rate quite up to the average level of intelligence. Frederick William III of Prussia is held by some, probably far too complaisant, Prussian historians to have shown consummate statesmanship in the period of reorganization between the battle of Jena and the war of liberation. When Mr. Webster describes the character of the prince regent of Great Britain, he admits that he had a good deal of ability, and 'exercised an influence on the acts of his Government which, intangible, elusive, uncertain, was perhaps more apparent in foreign affairs than in any other business of state'. In fact, Mr. Webster's short but comprehensive and graphic estimate of George IV is one of the very best things of its kind. It has the sure, light touch that comes of a thorough command of the documents. Like George IV, behind Castlereagh, other figures stand forth on Mr. Webster's canvas: the sensible, modest Liverpool, the arrogant but chastened Canning, Wellington, the devotee of public duty, independent of party, the most truly European figure among British statesmen of that time. But Castlereagh properly holds the attention of all in the centre of the picture.

In Castlereagh's period Great Britain, largely as the result of the part she had played in the war and in the peace settlement, began to be the representative of enlightened European opinion, the guardian of the public conscience of Europe. In Great Britain, Mr. Webster finely says:

The emotions and interests evoked by the War were almost insensibly replaced by more humane and tolerant feelings, to which the ideas of nationality and self-government, hitherto associated with the excesses of the French Revolution, began to make a special appeal.

Castlereagh was not insensible to this; but he had to work with the other statesmen and princes of Europe. He had 'necessarily to make some compromise between their demands and those of his own countrymen'. His greatest difficulty was to prevent Alexander I and Metternich from turning 'the simple idea of Diplomacy by Conference into a guarantee of thrones and governments'. Yet, Mr. Webster holds, Castlereagh was successful during his lifetime in preventing this perversion of the policy of European solidarity, and without breaking away (as his successor at the Foreign Office did) from the European alliance. He kept Great Britain in the European system and maintained her high influence at the courts of the monarchs, and this without sacrificing his country's material interests.

Castlereagh was a careful steward of his country's interests. If he subordinated minor points to the cause of international peace, he never gave way on what he regarded as essential. So far as material interests are concerned, it is difficult to see what he could have done to make more permanent and extensive the power of the British Empire.

As a matter of fact, Castlereagh did advance his country's interests in the period under consideration by the consolidation (not the extension) of British power on the frontier of Canada and the United States, by his relations with Spain's rebel South American colonies, and by the growth of British India. Mr. Webster does full justice to the first two of these achievements. India he leaves entirely out of his purview, as it was not within Castlereagh's department, although the secretary of state was

by no means a stranger to Indian affairs or without influence upon them. In his South American policy Castlereagh's most obvious aim was the idealistic one of bringing about the legal abolition of the slave-trade. At the congress of Vienna he had induced the powers to adopt a 'wish' for the suppression of the trade; and by 1820 he had secured a legal enactment of this suppression by Spain. He was equally earnest in using his influence to effect a similar object in the colonial possessions of France and Portugal. The evangelical humanitarians were sometimes a little impatient of his circumspect handling of the question of the slave-trade. But

Wilberforce always recognized the sincerity and practical character of his work. . . . In spite of growing differences in both domestic and foreign politics the two men continued in friendly relations until Castlereagh's death, to which, though Wilberforce scarcely recognizes the fact, the unremitting efforts which he had made on behalf of Abolition had undoubtedly contributed.

Castlereagh's great invention was diplomacy by conference. He told Richard Rush, the minister of the United States to the court of St. James, that 'it had been his habit to treat of business in frank conversations; a course which saved time and was in other ways preferable as a general one to official notes'. Not that Castlereagh was averse from writing: he sent out innumerable dispatches and official or semi-official letters, most of them, as Mr. Webster remarks, in his own hand. But he established periodic, although not regular, meetings of the powers as a normal feature of the European system. He is, building upon the suggestions which Pitt had given him in 1805, the creator of the concert of Europe. He is the architect of the treaty of Chaumont and of the Quadruple Alliance of 1815. The celebrated Article VI of this treaty is, Mr. Webster says, the origin of the conferences: he might have called it the origin of the concert.

Mr. Webster rightly lays the emphasis on this treaty and article of 20 November rather than on the Holy Alliance of 26 September. At the same time I am not sure whether he is not a little too scant in his treatment of the Holy Alliance, which in very beautiful language expressed a truly noble ideal; and the ideal remains when people who sometimes misapplied it have passed away. It is true that Mr. Webster says, alluding to the accusation levelled against the Holy Alliance of being directed against liberty: 'No charge could have been more false so far as the original conception of the Holy Alliance was concerned.' But while he is absolutely fair-minded in his judgement, he does not give much space to the Holy Alliance, and obviously considers it of little value when compared with Castlereagh's more practical plan.

Of the perplexing character of Alexander I Mr. Webster gives a skilful description. Readers would equally or even more have welcomed a portrait of Metternich, of whom, as Mr. Webster says, no adequate biography exists. The policy of Austria after 1815 is excellently described, but Metternich's character only incidentally, and with little sympathy to that claim for almost liberal and large-minded views that Austrians advance on his behalf. On the other hand, a remark (not essential indeed to his main argument) which Mr. Webster makes on Austrian policy of the period before 1815 is surely scarcely justified: 'She had been,

like Britain, the consistent foe of France.' Austria had been in alliance with Napoleon in the years 1810-13, and it is very difficult to explain the ascendancy which Metternich acquired in the councils of the allies only a few months after being in alliance with the French empire.

Castlereagh's position in Europe, as Mr. Webster shows, was due to the important and persistent part played by Great Britain in the war, to her great (although not unimpaired) strength and resources at the end of the war, and to Castlereagh's own sterling character and ability. In estimating Great Britain's power as compared with that of her allies in the period of the congresses, perhaps Mr. Webster has not quite fully analysed the economic situation. Foreign affairs, naturally, are his primary consideration, and economics, which he does not neglect, enter into the subject only incidentally. But they might perhaps enter a little more. Gentz, the value of whose *Dispatches to the Hospodars of Wallachia* Mr. Webster depreciates, has some most suggestive remarks on the relative financial position of the powers at the end of the war.

Readers will probably look with most interest to Mr. Webster's account of the congresses of Aix-la-Chapelle and Troppau, which show the concert of Europe at its most impressive and active moments. The congress of Aix-la-Chapelle was an almost unqualified success, and its effects upon Europe beneficent. It was what Castlereagh called 'the great machine of European peace' working at its best. But at the congress of Troppau the statesmen of the concert divided over the insoluble question of intervention: when does a domestic affair like a revolution become by its infectiousness or its aggressiveness a European affair? The Foreign Office and chancelleries of Europe did not differ on the principle. They agreed that intervention might be necessary if the conflagration of domestic revolution was spreading, or was being spread, to other states; but they differed over what was a revolution and what constituted its dangerousness to Europe.

Were Castlereagh's difficulties, in his efforts to keep Europe on an even keel, due to intransigence on the part of certain foreign statesmen; or were they partly due to his own character? He was honest, he was able, he was experienced, and he was unremittingly industrious. Mr. Webster adds that he had one serious defect: he would not take the parliament, the public, into his confidence; and so he had to do without the driving or sustaining force of public opinion. Thus his very decided and convincingly argued protest against the repressive Troppau protocol was robbed of much of its possible effect. 'The logic and force of this paper', says Mr. Webster, 'were unanswerable.' But it did not induce continental statesmen to change their methods. They modified the protocol, but its result was, so far as Great Britain was concerned, for the time being, 'an open and public breach with the alliance'. Mr. Webster thinks that the facile assent of Castlereagh to the amendment (almost the suppression) of the Sicilian constitution in 1816 seriously weakened his position whenever he wished subsequently to put a check on the interventionist policy of continental statesmen.

The Foreign Policy of Castlereagh is a monument to the memory of a great man. It is a splendid contribution to the study of diplomacy

and international relations. It has the European atmosphere. No praise is too high to be given to the scholarship of the book. Without being cumbered by its notes, it has numerous exact and interesting references to British and European archives, and has a valuable appendix of original documents. It would be easy, of course, to point out archives which have not been fully used, for the present and former capitals of Europe are full of documents. But Mr. Webster has gone far and wide in his researches, and has shown energy and enterprise in a remarkable degree. In ending a review of this fine work on the concert, it is fair to remember that Professor Alison Phillips, with his book on the *Confederation of Europe*, was the pioneer of the subject in England. Mr. Webster's book is a magnificent development of the scholarship of British diplomatic history. It is earnestly to be hoped that the educated British public, as well as the students of history, will make use of it. R. B. MOWAT.

Western Australia. A History. By J. S. BATTYE. (Oxford: Clarendon Press, 1924.)

The Foundation and Settlement of South Australia. By A. GRENFELL PRICE. (Adelaide: Preece, 1924.)

THE history of British occupation of Western Australia falls naturally into four main stages. The first, prefaced by the occupation of King George's Sound in 1826, began definitely with the occupation of the Swan River in 1829, and Dr. Battye ascribes the venture to fear of the French, the propaganda of Captain Stirling, and the interest shown by English capitalists, chief of whom was Thomas Peel. The initial hardships of the settlers were followed by a long period of depression, caused in part by the folly of the early land grants (though Wakefield's picture of their operation is shown by Dr. Battye to be inaccurate and exaggerated), in part by the unsuitability of the majority of the settlers for the rough life which they had chosen. No good results came when the Wakefield propaganda raised the price of land, for land was already a drug on the market, and the Land Fund which the theory contemplated as the result of alienation by the Crown, and which was to be used to introduce labour, was practically non-existent. The colonists continually raised the cry of shortage of labour, and finally, disregarding the old boast that the colony was to be the home of free men only, petitioned for the establishment of a penal station, just when the eastern states were shaking themselves free of the convict system.

Transportation to Western Australia lasted from 1849 till 1868, during which period 9,721 convicts were sent out. Their presence supplied a quantity of cheap labour, made possible the completion of necessary public works, and brought into the colony a good deal of English money. The system carried Western Australia a stage further in development, and when it ceased, largely owing to the pressure of Australian opinion, a cry was actually raised for 'compensation' from the imperial government. The removal of the convicts, however, rendered possible the development of the colony as a self-governing community. Representative government came by stages; a definite step was taken in 1870, when a legislative council, two-thirds elective, was granted. A radical party

under the leadership of S. H. Parker pressed for further advances. During the eighties opinion took form ; towards the end of that period it won a valuable convert in Governor Broome, and after discussions of the greatest interest, Western Australia was in 1890 granted responsible government, with control over the vast areas of the north-west. Since that time advance has been uninterrupted. Gold, already found in the Kimberleys in the eighties, was now discovered in the eastern district ; a vast increase of population resulted, and it was the pressure of opinion on the part of the new elements of the population that induced the state to enter the federation of Australia.

Dr. Battye's book traces this growth, in the greatest detail, from year to year. As a chronicle carefully composed, and crammed with facts, it will be useful to the student of colonial history. It is, however, weak in arrangement, and almost completely lacking in 'atmosphere'. This is partly due to its mass of detail, and to the rather bald style of the author, but in part to the fact that the sources which he has had at his command are almost entirely official records and newspapers. One would like to know whether it is possible, even at this late hour, to collect the more intimate records of colonial life which are often to be found in the possession of pioneering families.

The book of Mr. A. G. Price is in marked contrast with that of Dr. Battye. It covers a much shorter period (the history of South Australia in its first sixteen years) and therefore embodies less labour ; but the author, instead of being satisfied with chronology, has taken much trouble to select, to arrange, and to expound. The theme of these years is one of crisis and recovery. The crisis is usually ascribed to the mistakes of the Wakefield theory and the greater mistakes of its partial application, to the division of control between the colonial office and the board of commissioners appointed under the Foundation Act, to the land speculation in Adelaide, and to the aggravation of the initial diseases by the spending policy of Governor Gawler. Mr. Price drives home the unfortunate results of the division of control during the Hindmarsh period, but he brings new factors into light and reverses old judgements. The inexperience and errors of the board of commissioners, the main cause of the trouble throughout, showed itself especially in the persecution of the best man in the colony, the surveyor, Colonel Light, and in the persistent mismanagement of the surveying problem. The failure to keep the surveys in advance of the demand for land is stressed as the chief cause of the accumulation of the population in Adelaide, for it meant that the stream of immigrants was dammed up in the town, and forced to wait till country lands should be available. This was the situation which Governor Gawler found, and if in some respects his spending was unduly extravagant, the policy was in the main forced upon him. His hands were tied by engagements into which the commissioners had entered, and it stands to his credit that he pushed on the work of surveys, a very costly business, and that he was successful in hastening the occupation of the colonists in primary industries. It was this action which eventually saved the colony, and, had not the folly of the commissioners delayed it for two years, the crisis, in all probability, would never have occurred.

Though the writer reverses the judgement which has till recently been passed upon Gawler, he does full justice to the courageous and necessary work of Grey, who restored solvency by the most rigid economy.

The book is well written and well arranged; it gives a clear picture of the early days of the colony, and of some of the personalities. It is from beginning to end strong in its emphasis of geographical conditions.

W. K. HANCOCK.

Cavour et l'Unité Italienne. Tome ii. 1848-1856. Par PAUL MATTER. (Paris: Alcan, 1925.)

Mazzini: the Story of a Great Italian. By EDYTH HINKLEY. (London: Allen & Unwin, 1924.)

The Early Life and Letters of Cavour, 1810-1848. By A. J. WHYTE. (Oxford: University Press, 1925.)

M. MATTER continues in the second volume the work published three years ago,¹ and traces Cavour's career from the revolutionary days of March 1848 down to the end of the congress of Paris. Thayer and others have written so much about Cavour that there is not much new to be added. But the French historian of Bismarck gives a sympathetic account of the greatest statesman of modern Italy. He shows Cavour as a journalist demanding war against Austria in 1848 in his newspaper, the *Risorgimento*; he describes Cavour's first failure in the first elections to the subalpine parliament, his election at a by-election, and his entry into the cabinet in 1850 as minister of agriculture, commerce, and marine. 'Obliged to translate into Italian what he thought in French', Cavour yet made his mark as a debater, while he carried out gradually by a series of commercial treaties the free-trade policy learnt from Peel, and by transporting the naval establishment to Spezzia made Genoa an exclusively commercial port. His visit to London in 1852 resulted in his becoming 'plus anglo-mane que jamais', and led up to Clarendon's warm support of Sardinia throughout the Paris congress. This is the most valuable part of the volume; for the climax of those years was Cavour's perspicacity in seeing that 'la revanche de Novara était en Crimée', despite the opposition of his minister of foreign affairs, Dabormida, of the right, of the extreme left, and the commercial interests of the Genoese in the Black Sea. French documents hitherto unpublished show Napoleon III to have been more pro-Italian than his minister of foreign affairs, and the author's shrewd remarks on Italy's historical tendency to mix in the eastern question are true of later times (p. 278), as in the telling sentence: 'Détestant la politique des Russes, les Génois appréciaient leurs grains.' The resolve of Cavour to be treated at the congress as the equal of the Austrian delegate is characteristic. As the author concludes, Italy's 'intervention in the Crimean war, her participation in the congress of Paris, have profoundly influenced the history of Europe'. The volume, which is largely documented, is also agreeably written. Crispi, however, was not a 'Neapolitan', but a Sicilian (p. 238).

M. Matter truly says that after 1856 'the coming man was no longer

¹ *Ante*, xxxviii. 473.

Mazzini, but Cavour'. To-day Mazzini seems of far less account in Italy even than then, despite Professor Silva's opinion, which his enthusiastic biographer, Mrs. Hinkley, endorses, that he 'stands like a rock'. Modern Italy has drifted far away from his doctrines, and many of his countrymen now regard him as a doctrinaire. This new biography is, however, pleasantly written, and based upon all the recognized authorities, such as Messrs. Bolton King, Okey, Trevelyan, and Stillman, without adding much to previous knowledge of the subject. Mrs. Hinkley is an idealist and no politician, least of all in the Italian sense of the word, and she therefore writes of Cavour as 'without principles in politics, unashamed of double dealing either with kings or popular leaders, . . . and wholly lacking in spiritual imagination or resource'. But, while she scarcely realizes the unsentimental, practical Italian, and especially Piedmontese mentality, she sees that Mazzini's dream of an Italian republic, as Crispi said, would have divided, not united, the Italians. In 1870 the Piedmontese would not have accepted a Neapolitan president nor a Neapolitan a Piedmontese, while a Sicilian would have accepted neither. Not till 1887 did a southerner become even prime minister.

Mr. Whyte's book on Cavour's early life, based on his published letters and articles and on Senator Ruffini's standard work, seeks to portray the man rather than the statesman. The most interesting part is that describing Cavour's visits to England, which the author calls 'a turning-point in his life'. It covers much the same ground as M. Matter's first volume, but contains good illustrations.

WILLIAM MILLER.

The Civil War in America. By WALTER GASTON SHOTWELL. Two vols. (London: Longmans, 1923.)

THIS work presents some interesting features. In the first place it is a history treating of a great war in considerable detail, but without a single map or sketch. There is high authority for the judgement that 'a book on military history, unfortunately both for writers and readers, is useless without maps'. On the score of expense their absence might perhaps have been condoned, if the writer had been careful to consider his reader's convenience and spare him unnecessary geographical details. But this is precisely what he has not done. The reader will require elaborate maps if he is to follow the course of military operations narrated in these pages. The author has concentrated upon the military side of the war. He pays but little attention to the internal problems of the north, none at all to those of the south. He does not touch upon foreign policy, and no mention is made of the Trent case, though undoubtedly it influenced McClellan in December 1861. His history goes into considerably greater detail than the general reader requires, whilst the student without the aid of maps will learn but little from its treatment of military problems.

Secondly, he has abstained from giving any reference to his authorities. The text is thus preserved from encroachment and the reader gets the benefit. But the battles of the American civil war, at least as much as those of any other great war, bristle with controversial points, which have long been the subject of acrimonious discussion. Yet Mr. Shotwell

writes as if no question ever had been or could be raised as to the course of events in any battle. He gives a clear-cut description of the battle, as he conceives it to have been fought, and ignores the possibility that there may be other and very different versions of its course. In his preface he refers to the one hundred and thirty volumes of the official Records of the Union and Confederate Armies. But this reference will not bring much comfort to the reader, who finds certain statements demonstrably inaccurate. Lee was not sent to the Crimea (i. 111); McClellan was an engineer, not a gunner (i. 112); Elzey was not killed at the first Bull Run battle (i. 134). This last mistake betrays a curious confusion of thought. The original commander of the brigade was not Elzey, but Kirby Smith, who fell severely wounded, but not killed, and Elzey himself, who succeeded him in command, was serving the next year under Jackson in the Shenandoah valley. Rossville was not a mile away from Chattanooga (ii. 10), but at least five miles distant, and this error makes Rosecrans's conduct seem even more extraordinary than it really was. It was the *Lackawanna* which fired a 9-inch gun and smashed the *Tennessee's* port shutter in the battle of Mobile Bay, and not vice versa as stated (ii. 297-8). General Doubleday's Christian name was not Arthur (i. 84), but Abner.

Nor can Mr. Shotwell lay claim to the virtue of impartiality. He sets out to prove that the federals owed their ultimate victory not to their greater numbers or their overwhelming superiority in material resources, but to the superior fighting qualities of their troops and better generalship. In summing up the first Bull Run battle, after quoting the figures for the union killed, wounded, and prisoners, and those of the confederate killed and wounded only, he complacently remarks, 'These figures show that it was by no means an unequal battle'. The next sentence makes it plain that 'these figures' refers to the killed and wounded only. But if the 1,460 prisoners taken by the confederates are set against the 13 confederates missing, the reader will probably draw a different conclusion. He also seeks to show that in this battle the federals were outnumbered. By deducting one division, left by McDowell to guard his line of communications, and by adding together the whole of Beauregard's and Johnston's forces, though one of the latter's brigades only arrived on the afternoon of the battle, he proves to his own satisfaction that McDowell was outnumbered by 4,000 men. In describing the decisive struggle for the Henry House hill he twice conveys the impression that half of McDowell's army was fighting the whole of the confederate forces. Yet four pages later he writes that only eight of Beauregard's regiments were engaged there, and finally admits that it was Johnston's army which 'actually fought and defeated McDowell'.

He is naturally led to the belief that the war was really won in the west, because it was in the west that most of the federal victories were gained. This belief has caused him to adopt a curious arrangement of his subject-matter, setting aside the chronological order of events. Twenty consecutive chapters are devoted to the western theatre of war, carrying the tale from the outbreak of war down to the end of 1863. But the struggle round Petersburg and Richmond, and Lee's retreat to Appomattox Court House, covering a period from the middle of June 1864

to the beginning of the following April, are relegated to the final chapter of the book. This arrangement shows a false sense of proportion. Grant's victories in the west were won over second-rate troops. In 1864 he found the army of northern Virginia very different. Unable to outmanœuvre Lee, he had to fall back upon methods of attrition. The summer months of that year, when Grant was incurring tremendous losses in his attempt to crush Lee, proved the supreme test of the north's power of endurance.

Naturally too he prefers the western generals. Grant, Sherman, and Sheridan are his heroes. For McClellan he has little mercy. He denounces him as having deliberately caused Pope's defeat. To save the latter's reputation he gives a distorted version of the second Bull Run campaign, crediting Pope with having located Jackson's and Lee's positions earlier than he actually did. By substituting 'Lee's army' for 'Jackson's corps', he conveys the impression that Pope was attacking Lee's whole force on 30 August, whereas he was only renewing his previous day's attack upon Jackson, whom he believed to be in retreat. Porter is made to share with McClellan the responsibility for Pope's defeat. The author commends the sentence of the court martial which dismissed Porter from the service, but whilst alluding to his subsequent reinstatement is careful to refrain from recording the finding of the court of inquiry, which at last had before it the confederate records, without which no final judgement could be pronounced.

He also depreciates Meade in order to praise Sheridan. In closing his account of the latter's Shenandoah campaign he conveys a false impression by the statement that 'Sheridan's infantry soon went to Grant and formed one of the best fighting units in closing the struggle with Lee', as if the VIth Corps, to which reference is made, had not always belonged to the army of the Potomac and fought through the Wilderness and Spotsylvania battles under Meade's command.

It is curious that the preface gives no indication of the date of composition. Internal evidence suggests that it preceded the late war. The author does not appear to be acquainted with the writings of the latest students of the war. Had he consulted the works of Henderson, Bigelow, and Livermore, he would hardly have repeated the long-exploded legend of Pleasanton's exploits at Chancellorsville. His eulogy upon Thomas, the 'rock of Chickamauga', is somewhat extravagant. It is now established that Thomas had drawn to himself two-thirds, not one-half (ii. 17) of the federal army by his constant demands for reinforcements, when the enemy confronting him was actually inferior in numbers.

It is a pity that this work is marred by these blemishes. For it has many good points. It is eminently readable, written in an easy and graphic style. The author is quick to seize the chance of making a dramatic point, and remembering that the majority of readers are more interested in people than in things, he has enlivened his narrative of events with anecdotes about the chief persons engaged in them. In spite of his federal prejudices there is singularly little in these pages which need give offence to a reasonable southerner. The first nine chapters, which deal with the slavery question and the causes of the war, are particularly interesting and written with real moderation. They present an able and reasonable view of the

federal case. In chapter xxxvii a good account is given of the measures adopted by the federal government to finance the war. Unfortunately there is no corresponding picture of confederate finance.

Mr. Shotwell has been badly treated by his proof reader. Misspellings of proper names are far too frequent. Parke is spelt in three different ways in one chapter. The federal Pope is twice referred to as the confederate Polk. 'Horse guards' for 'home guards' has a humorous sound.

W. B. Wood.

Geschichte Europas seit den Verträgen von 1815 bis zum Frankfurter Frieden von 1871. Neunter Band. Dritte Abteilung. Dritter und Vierter Band. Von ALFRED STERN. (Stuttgart: Cotta, 1923, 1924.)

A SOLID contribution of more than 1,100 pages of text completes Dr. Stern's survey of the decade which established the German empire. This epoch, inaugurating for Cis-Balkan Europe a peace whose duration 'has perhaps never been experienced since the days of Hadrian and Antoninus Pius', marks the appointed goal of his own labours of thirty years. In these volumes, no less than in those preceding, he proves himself 'exact, sincere, and impartial; free from passion, and not to be biased either by interest, fear, resentment or affection, to deviate from truth which is the mother of history . . . the director of future times'. So devoted is he to 'objectivity', indeed, that he declines to contrast the Europe of that day and of this further than by saying that the community of interests and ideas between the nations which he postulated has not yet been restored, but that, beyond his hope, the archives of Berlin and Vienna have been thrown open.

The inevitable limitations of a work with so vast a scope are apparent in the first chapter (France, 1860-4). Here the author covers ground upon which in an early treatise he threw light more than fifty years ago. He can now ransack the treasures of Vienna, but time has not allowed him to draw from them all that would have illuminated Napoleon's policy in Mexico. The widespread and not entirely baseless conviction that the whole of Latin North America was destined to follow Texas if Europe was impotent or inactive should certainly be taken into the account. In the next chapter, a valuable survey of Italy to the convention of September 1864, the chronological narrative hardly permits the full exposure of the persistent importance of the Venetian question or the full tale of possible solutions. Chapters on the Polish insurrection of 1863 and on the Balkan region show the author's versatility and erudition, while England, from 1860 to 1871, receives an excellent summary of less than fifty pages, based on the English classic biographies and on German studies of English social development. Attributing English reforms in education and in the army largely to the influence of Prussia, the author turns to trace the rise of Bismarckian Europe in the remaining three-quarters of these books.

It is difficult to suppose that Dr. Stern's account of the years 1862-71, as the work of a contemporary who is at once sympathetic and judicial and exceptionally well informed, will not have permanent value. The

facts moralize, if the author stays his hand, as when Treitschke styles Bismarck's advent 'complete frivolity at the helm', while on 3 February 1864 the minister informs the council that the war is for the annexation of the duchies, which should lead to a European struggle. Careful accounts of the internal politics of Austria-Hungary and France, and, on a slighter foundation, of Denmark, suggest much with regard to the causes of German success that the author studiously refrains from saying. Of the Ems telegram his account is as follows :

This permission [to publish] offered Bismarck the desired opportunity in place of mere defence to make a counterstroke which should force France to a breach. Penetrated by the conviction that war could be avoided only at the price of Prussia's honour and of the national trust in her, and assured by Moltke . . . that a swift beginning of the fight was more profitable than postponement, he gave to the telegram which was otherwise unsuitable . . . for literal publication, a . . . shorter and much sharper rendering, by omissions and condensation. . . . The uninitiated reader was bound to receive the impression that the king, feeling that he had been insulted, had immediately and finally showed the French representative the door. This impression must be still stronger because the . . . telegram was dated not as a communication of the foreign office from Berlin but ostensibly from Ems, as an immediate decision of the king. . . . With nice psychological calculation, Bismarck added to the communication to Munich and St. Petersburg the remark that King Louis and the Tsar Alexander would be sensitive to the fact that Benedetti, when presenting his demand, 'had addressed the king against his will, on the promenade, and in a provocative manner'. The same to Granville . . . the supplement being based on the faulty foundation of *abgefangen* at the beginning of the king's note to Abeken.

In the wider and more complex world of modern times it will be hardly possible for a successor to Dr. Stern to write two years of European history with one year's labour. The student of 1871-1914 will therefore in all likelihood continue to lack a trustworthy and well-proportioned monograph on the scale of that which has now reached its close.

W. F. REDDAWAY.

Ἱστορία τῆς Χίου. Τόμος Β'. By GEORGIOS I. ZOLOTAS. (Ἐν Ἀθήναις. Σακελλάριος, 1924.)

THIS volume ¹ of the great history of Chios is the most important, covering the fortunes of the island from the earliest times to the Turkish conquest in 1566. The author inclines to the belief of Alcaeus and Simonides, that Homer was a Chian, and thinks that a 'Homeric School' there was the origin of the *Δασκαλόπετρα* of the Genoese scholars, which is really an altar of Cybele. Hence the mention of Volissós as his abode, the tradition of his tomb at the castle of S. Angelo, and the *villa Homerica*, named by Cyriacus of Ancona. We are shown the commercial importance of ancient Chios, of which its many slaves are a proof, whereas its wealth in Roman times was 'only a shadow of the Chios of the fourth and fifth centuries', despite its autonomy, although the presence of Jews there from the time of the *Diadóchoi* might point to the contrary. There is a local tradition that St. Paul passed through Chios, and the martyrdom of St. Isidore gave it its patron saint. The dark ages of the island from 250 to the Genoese occupation in 1346 contain few events. We find, however, its famous product, mastic, mentioned as early as the tenth century (p. 238),

¹ See *ante*, xxxvii. 287; xxxix. 158.

about which time the sea-fort—a Byzantine, not Genoese, structure—was built (p. 249). Ten golden bulls of Constantine Monomáchos and others from 1044 to 1087, concerning the famous monastery, *Néa Moné*, are given, including that of 1061, bestowing Chian Jews on that foundation, which from 1087 to 1259 had no history (p. 308). The name of Monomáchos is still perpetuated by a torrent (p. 255, n. 3). The relations with the Genoese are traced from the treaty of 1155, while the Venetians (who carried off the body of St. Isidore in 1125) and the Amalfitans had settled there before the Latin conquest of Constantinople. The Catalan invasion under Roger de Flor in 1303 is still commemorated in the name, τὰ Καταλάνικα, near Volissós (p. 355), and the first Genoese occupation, that of the Zaccaria, has left a memorial in the anaglyph of the door of the Virgin τοῦ Χαλκιοῦ, which is ascribed to Benedetto I of that family (p. 361).

The long rule of the *maona* is amply described. Genoese ships were forced by law to stop at Chios, but the local Genoese who were not Gius-tiniani were opposed to the *maona*, and that company's ill treatment of the Greeks led the latter to flee to the opposite Turkish coast and thus injured the island. Unlike other historians, Zolótas thinks that in the conspiracy against the *maona* (which he places between 1380 and 1386, not in 1378) the orthodox clergy took small part, but that the *maonesi* accused them to get rid of the head of the orthodox church, then styled not metropolitan—for no Greek metropolitan is mentioned between 1354 and 1566—but δίκαιος, because he exercised 'the rights' (δίκαια) of the patriarch. A local tradition represents the conspirators as having been seized in the church of St. George τοῦ Καταπράκτου, thence renamed τοῦ Καταδότου, and Zolótas identifies the traitor with the Doukas Diasorenós, mentioned in an undated document¹ (pp. 487–97). He also thinks the Genoese law court was not called δικαιοτάτων but δικαιοδοτῶτων. For Genoa, as he writes, Chios was 'the first link of a long chain with Pera as centre' and the Black Sea colonies as the two extremes.

The topographical information displayed is most valuable. Thus the hulks of the two Genoese vessels lying in the harbour at the time of the Venetian siege of 1431 were found when the harbour was excavated in 1898. The Jews, at the beginning of summer, still pray at the tomb of a famous Rabbi Jacob, who died there of plague in the fourteenth century. The tower near the harbour was used in Genoese times as the place where the notables stood during ceremonies. The remains of the Chian saint, Hosia Matrónē, were recently found in the monastery of Zográphou on Athos. A place in Chios still bears the name of the Turkish admiral, Νερό τοῦ Βαρβαρόσσα (pp. 435, 470, n. 4, 502, 610, n. 1). A few errors may be noted. 'Livius' (p. 211) should be Plinius, Licario (p. 329) was not a Lercari, 'Naxos' (p. 571) should be Thasos, 'Italy' (p. 591) Turkey, and 'Innocent III' (p. 593 n.) Innocent VIII. Cyprus survived Chios, and the Gozzadini ruled in Siphnos after 1566. In the account of Baron de la Garde's stay, there is no allusion to the inscription in Attikē street. The volume concludes with a number of documents relating to the Genoese period in translation, which scholars would have probably preferred in the original. The misprints in some Italian words should be corrected.

¹ Miklosich et Müller, *Acta et Diplomata*, ii. 314.

The volume is a credit to the late author, to his daughter, who has revised it, and to the Chios Committee, which has published it. The present writer, who visited Chios last summer, can only regret, with many Chioles, the recent destruction of much of the historic castle by the refugees. But the excellent museum is some compensation, for many inscriptions and coats of arms of the Genoese period are sheltered there, while two still survive in the citadel. The late F. W. Hasluck's paper on 'The Latin Monuments of Chios'¹ should find a place in the copious bibliography.

WILLIAM MILLER.

A History of the University of Oxford. Vols. i-ii. By SIR CHARLES MALLET. (London: Methuen, 1924.)

THE first of these two volumes deals with the medieval university and is brought down to the eve of the Reformation; the second covers the sixteenth and seventeenth centuries. Each volume contains over 450 closely printed pages. The author promises a third volume which will deal with the eighteenth and nineteenth centuries and thus bring the story of the university down to the late war. This is a great undertaking for which we have every reason to be grateful. No one since the days of Anthony Wood has accomplished so comprehensive a history planned on so considerable a scale. Sir Henry Maxwell-Lyte set out to produce one, but official duties compelled him to lay it aside when he had completed the history of the medieval period. His single volume remains the best introduction to our medieval academic history, and his conclusions do not require material alteration. But since he wrote, the output of works on medieval thought, medieval universities in general, and Oxford university history in particular, has been enormous. The Oxford Historical Society was then in its infancy. It is not to be wondered at, therefore, if his work, after the lapse of forty years, and in view of all that has since been written, appears to-day an incomplete presentation of the subject. Dean Rashdall's great work has an incompleteness of another kind. His subject was not Oxford alone, but the medieval universities of Europe, and although he treated Oxford with greater fullness than any other university, he took it as a type and only concerned himself with its internal history to illustrate the medieval university system. His work is less a history of Oxford university than a series of essays, admirably planned, on various facets of university history and of academic life and thought. Neither he nor Sir Henry Maxwell-Lyte brought their work down beyond the end of the middle ages.

Sir Charles Mallet has prepared himself for his work by very extensive reading. His book is certain to remain for many years the best guide to the bibliography of Oxford academical history. He has digested the work of Mr. Salter, the writers of the college histories, and many others who have conducted research in various branches of the history of Oxford, its university and colleges; and out of these he has formed a narrative which is always lively and readable, which rises on occasion to eloquence, and which shows power of comprehensive treatment. It is calculated to

¹ *Annual of the British School at Athens*, xvi. 137-84.

arouse in many readers an interest in the subject unfelt before. And yet, despite this combination of industry with power of literary presentation, it must be confessed that the work as a whole produces a sense of disappointment. It is not easy to analyse that feeling or to find reasons for it. Arrangement probably lies at the root of it. It would seem that Dean Rashdall has chosen the better way, and that any history of Oxford which is more than annals of the university can only give a clear impression if various aspects are taken and each is treated in turn. The treatment of the history of the colleges may be taken as an example. Oxford colleges are corporate bodies within the university. No historian of the university can ignore the colleges, yet each college is a separate entity. It is easy to write the history of a college, but very difficult to fit the story of the colleges into a history of the university. Sir Charles Mallet takes the colleges in groups according to the date of their foundation. Having brought the history of the university down to the end of the thirteenth century he inserts a chapter on the history of the colleges founded in that century, and deals in a similar method with subsequent foundations. That is permissible and follows on the lines set by Sir Henry Maxwell-Lyte. But inasmuch as he brings the history of each college in turn down to the Revolution of 1688, the result is a succession of interruptions to the main narrative. The reader may have recourse to skipping the chapters on the colleges and reserving them for subsequent reading; on the other hand a perusal of sketches of college history one after another produces a sense of monotony. The colleges, for all their individuality, have marked common features. We would suggest that a collective treatment would have been preferable, and that instead of giving a series of college histories in little, better results might have been got by taking each aspect of collegiate life in turn and comparing their statutes, endowments, buildings, and libraries. A certain amount of material would, on this method, have had to be abandoned; but the gain achieved in bringing out at once the common features and the individual characteristics of the colleges would have more than compensated for the possible loss. Nothing, however, is harder to reach in a work of these dimensions than an arrangement which invites no criticism.

Sir Charles Mallet is at his best when writing of the university in its relations to the national life, the religious movements, and the thought of the time. So the chapters most deserving of attention are those on the friars, the schoolmen, and the Reformation. The second volume is by far the best general history that has been written on Oxford under the Tudors and the Stuarts. The amount of new material in the book is not great, but the writer has had the advantage of utilizing the proofs of Mr. Strickland Gibson's forthcoming edition of the ancient statutes of the university, and with his assistance he has been able to go more fully than has been done before into constitutional development. To come to minor details, we could have wished for larger margins and a less crowded page, but are grateful for the reproductions of Bereblock's drawings and of Loggan's engravings of colleges. Finally we wish Sir Charles Mallet all success in the production of his third and final volume. When that is finished he will have produced a work single-handed which is not likely to be again attempted except by co-operative effort. H. H. E. CASTER.

H h 2

Short Notices

READERS of this Review will take a double interest in the slender volume *The House of Longman*, in which our publishers commemorate their bicentenary of last year. The first part of it is devoted to an article by Mr. Harold Cox, reprinted from their publication *The Edinburgh Review*, in which the two centuries of their history are sketched. This story is not only that of a great house of business ; it is also a part of the history of learning, of science, and of letters, at first in England, and later all over the world. How honourable a part is shown by the tributes paid in the speeches at the bicentenary celebrations, an account of which by Mr. J. E. Chandler concludes the book. All those who have worked for this Review will feel their share of pride in this record, and will join in wishing to the house a long continuance of its distinction and strength. Ed. E. H. R.

Students of the economic history of antiquity will find in Mr. M. P. Charlesworth's *Trade Routes and Commerce of the Roman Empire* (Cambridge : University Press, 1924) a very useful and complete collection of material concerning the products, industries, and communications of the Roman provinces and of the countries with which the Romans had commercial relations during the first two centuries of the principate. Unfortunately the book has no maps, and without maps such books are apt to be dull reading. Only two other points call for criticism. Mr. Charlesworth evidently considers himself a pioneer ; he claims that his conception of the Roman empire is ' not the accepted one ', and he describes most modern historians of the Roman empire as ' Tacitus and water '. This is surely unfair. His own subject was long ago dealt with admirably by Friedländer, and the tendency of almost all recent writers on the period has been unduly to depreciate the work of Tacitus, whose value even to an economic historian is obvious from a glance at Mr. Charlesworth's own notes. Again, the interest of the book would have been increased had the author ventured to deal more fully with the difficult problem of the organization of trade and industry in his period, even if he had not done more than introduce English readers to the speculations of such writers as Salvioli and Gummerus. But when the standard economic history of the Roman empire comes to be written, the author, who will have to be both an economist and a classical scholar, will be glad to have this book at his disposal. G. H. S.

The volume by M. Robert Latouche on *La Vie en Bas-Quercy du Quatorzième au Dix-huitième Siècle* (Paris : Picard, 1923) is a clear and exact study of the social and economic history of the district which lies

north of the Tarn, between Cahors and Montauban. M. Latouche devotes most of his space to the conditions of agriculture. He illustrates the economic changes which were effected in favour of the cultivators by the Hundred Years' war and the wars of religion, and shows how the purely feudal leases were gradually discredited and how the privileges of the *emphytéote*, the *métayer*, and the peasant proprietor were evolved. The position of the small tenant was so well established by the end of the eighteenth century, that though there was here as elsewhere seigneurial insistence upon rights that had been allowed to lapse, there was no encroachment upon acquired privileges nor was there any augmentation of charges. In the middle ages Bas-Quercy was a flourishing agricultural district which produced not only cereals, but flax, hemp, woad, and saffron. The vine was also cultivated for local consumption. The towns, which were largely autonomous, reached the height of their prosperity in the fifteenth century. At Caylus, Montpezat, and Saint-Antonin cloth was produced, and fulling mills, dye works, and tanneries were to be found in the neighbourhood. These industries declined with the religious troubles of the sixteenth and seventeenth centuries. At Saint-Antonin, which was a strong Huguenot centre, the drapers left the town in a body after the revocation of the edict of Nantes. The encroachments of the central administration reduced the activities of municipal life, while further economic decay followed a failure to improve the local means of communication in the eighteenth century and the construction of the high road from Paris to Toulouse which left the towns of the district too far from the main artery of circulation to maintain their prosperity. Efforts were made later to establish a cotton manufacture at Montpezat and to exploit the phosphates at Saint-Antonin, but all attempts to revive the prosperity of Bas-Quercy have failed. M. Latouche has made good use of the departmental archives of Tarn and Garonne; he has also used the *registres* of the religious houses, the municipal archives, and the records of the notaries in the towns. The latter are available from the beginning of the fourteenth century and form a particularly valuable source of information. This admirable work is thoroughly provided with references to documents, and a bibliography and map of the district are appended. C. E. M.

The literary distinction which made the first volume of Mr. John S. C. Bridge's *History of France from the Death of Louis XI* notable is equally to be appreciated in his second, which deals with the *Reign of Charles VIII, 1493-1498* (Oxford: Clarendon Press, 1924). In the latter he travels over ground that has been traversed by many historians, whereas in the former he may be said to have re-created Anne of Beaujeu as an historical character. Charles VIII's expedition to Italy is the only topic treated, so that Mr. Bridge's book is very much on the same lines as Delaborde's well-known *Expédition de Charles VIII en Italie*. It stands comparison well, as Mr. Bridge excels in the art of lucid and compact statement. In about fifty pages he gives an excellent short account of the condition of Italy, and he keeps the very intricate diplomatic preliminaries clear and distinct. He shows the strength of the French army in artillery, resulting from the improvements made by the brothers Bureau which proved so

fatal to the English in the last stages of the Hundred Years' war, and hits off the difference between Atlantic and Mediterranean shipping at this period by the phrase, 'Nelson would not have felt strange in the one and Alcibiades would have been at home in the other'. An interesting quotation from Brantôme reveals him somewhat surprisingly as an exponent of the doctrine of sea-power. If the story of Charles's march through Italy, his dealings with Florence and the pope, and his hasty retreat after the league of Venice had been formed, was worth telling in detail again, it could not have been better told than by Mr. Bridge. He adds an appendix of contemporary extracts showing that the French troops in some cases behaved very badly, but at that period what troops would have been more controlled? There is also a note on the origin of syphilis in Europe. As for the influence of the expedition on French art, Charles VIII in Naples was chiefly struck by the exquisite gardens. 'I have also found here some cunning painters', he wrote to Bourbon, 'and will send some of them to you; they will paint you the most beautiful ceilings.'

W. D. G.

The title of Professor Dawson's book, *Toulouse in the Renaissance* (New York: Columbia University Press, 1923), promises rather more than it performs, for it is really three separate essays on life in Toulouse in the sixteenth century. The first essay is a careful study founded on *Le Livre Rouge* of the floral games. These poetical contests have a long and honourable history, but whether they are of much importance or whether they have been to the advantage of poetry is a little doubtful. It cannot be said that Bernard de Poey, of whose verse Mr. Dawson gives some examples, is in any way remarkable, and the reputation of neither Du Bartas, nor Pierre de Brach, nor of the Sieur de Pibrac, the author of the famous *Quatrains*, will be increased by their prize poems. The second essay gives some interesting details of student life at Toulouse, drawn largely from the secretary's book of the nation of Provence at Toulouse (published in part by M. Baudouin). The third essay deals with Étienne Dolet at Toulouse, a subject already treated by R. C. Christie in his masterly work. Mr. Dawson is probably right in insisting that Dolet's troubles and final flight from Toulouse were in a large measure caused by his provocative attitude as champion of the nation of France in opposition to the Gascons or nation of Aquitaine, and possibly also by his competing in the floral games with Latin poems instead of French. Toulouse is a town of marked individuality, and one could have wished that Mr. Dawson had been interested in the notable contribution which it made to Renaissance architecture. As it is, his incursions into this region are unfortunate. The *Maison de Pierre* (p. 96) was not erected by François de Clary, who only added the façade in 1612. The interest of the *Hôtel d'Assézat* (p. 144) lies in its beautiful court and not in its over-elaborated façade. The only Renaissance portion of the *Hôtel de Bernuy* is the outer court, which was added in 1533 to connect the block facing the street with the only remaining side of the inner court. That Nicolas Bachelier was the architect is very doubtful; his only really authenticated works at Toulouse are two portals. Lastly, St. Servin is not the cathedral of Toulouse. A. T.

One of the difficult problems of history is the consideration of formative influences. Herr L. H. Bornkamm faces it in his really valuable study of *Luther und Böhme* (Bonn : Marcus and Weber, 1924), and the outcome is illuminating. The book is well furnished with references to documents, and though the author possesses a keen sense of the worth of his evidence he possesses a no less keen sense of the importance of its interpretation. There is no scheme of mysticism : else we should say that Böhme's whole scheme was congenial to Luther. There is, however, an outlook in mysticism, and his outlook coincided with Luther's. This the author perceives, and works out satisfactorily. Böhme claimed divine illumination : so did Luther. Böhme emphasized the element of antithesis as a law of being, and though Luther did not emphasize it, yet it is plainly present in his writings, and explains not a few of the seeming contradictions in his thought. Both care far more for the indwelling presence of Christ than for any mere ceremonial. Obviously the holding of such views tended ultimately, either explicitly or implicitly, towards toleration. In his concluding chapter the author points this out all too briefly. R. H. M.

In *An Episode in the Struggle for Religious Freedom*. (New York : Columbia University Press, 1924) Mr. A. P. Evans surveys with a wealth of knowledge the activities of the sectaries of Nuremberg from 1524 to 1528. It is a book of interest to specialists, for the author, in the narrow field to which he has severely restricted himself, shows the share taken by the Nuremberg sectaries in promoting a policy of repression of dissent in Lutheran lands. The requisite background is provided in an able analysis of Luther's attitude. One of the leading figures Mr. Evans brings before us is Carlstadt, the archdeacon of Wittenberg. He had a mind keenly sharpened by the use of dialectic, and from the remarks of his friend Luther he drew conclusions which the reformer did not care to accept. If all are priests, why should there be a regular ministry ? If the theory of transubstantiation is false, how can there be any real presence in Holy Communion ? What was Carlstadt to think of a man who declared that the sacraments operated only by faith, and at the same time recognized in them a work of sanctification and grace ? A synthesis, as the author perceives, this logical revolutionary could not entertain. His mind conceived truth as a series of contradictories. The true filiation of thought was a seven-sealed book to him. He possessed all the certainty derivable from his mysticism. Subjective as he is, individualistic as he is, he represents lay Christian puritanism. Carlstadt rejected the worship of the saints, purgatory, and prayers for the dead. He is probably the first man in the sixteenth century to reach the conclusion that there ought to be neither dogma nor institution. R. H. M.

With the title *Un Dramma Politico alla Corte di Filippo II* (Milan : Albrighi, 1924) Signora Angela Valente has reprinted an article in the *Nuova Rivista Storica* (Anno viii) on the career of Antonio Perez and on the Princess of Eboli. Its value is enhanced by the publication of a number of Farnese documents (principally from John of Bologna to the Cardinal Farnese) from 1579 to 1585. Perez comes out of the investigation, one

thinks, worse than ever, the princess (widow of Ruy Gomez) on the whole rather better. Was she the dupe, as well as the loyal paramour and accomplice, of the king's potent and *parvenu* minister? A characteristic fruit, the author thinks, was Perez of the bureaucracy of Philip II: a bureaucrat, the son of a bureaucrat, obscurely and ingloriously Machiavellian. Were Perez and the princess engaged in secret opposition to Philip's Portuguese policy, as well as in determined hostility to Alba? Anyhow, the princess's career was ended by imprisonment, that of Perez in flight, in a great constitutional contest, and in stinging criticism of his master, who was 'non il carnefice ma la vittima del suo segretario disonesto e vizioso'.

W. H. H.

The Rev. E. M. Blackie has reprinted the pamphlet *A Most Friendly Farewell to Sir Francis Drake*, by Henry Roberts (London: Milford, 1924), reproducing the typography of the original as closely as modern type permits. The pamphlet, written on the occasion of Drake's expedition to the West Indies in 1585, has little historical value and less literary, but it is a great rarity bibliographically, and this reprint is a very beautiful piece of work.

J. E. N.

In *Master Richard Quyny* (London: Milford, 1924) Mr. Edgar Fripp records the life of a friend and fellow-townsmen of Shakespeare's, who was twice bailiff of Stratford-upon-Avon, and thrice visited London on the business of the corporation. The minute details, drawn from the borough records, from registers and letters, build up the background of Shakespeare's life at Stratford, and also illustrate the working of municipal institutions in the sixteenth century. The work that lay before a bailiff can be seen from Quyny's memoranda for the new year 1601: the list ranges from measures to bring the town out of debt down to 'my cousin Biddle's deeds whether we be to receive 3/4 or not'. The interest of the book is increased by the illustrations, which include the Quyny arms and crest, Richard Quyny's seal, the houses of Thomas Rogers and William Parsons, both built after the fire of 1594, and the facsimile of the well-known letter from Richard Quyny to Shakespeare ('Loveinge Contreyman'), written on 25 October 1598.

C. A. J. S.

The Southampton Record Society has now published the third volume of the *Assembly Books* (1611-14) under the careful editorship, as hitherto, of Dr. J. W. Horrocks (Southampton: Cox and Sharland, 1924). Though no very striking events in local history mark the years 1611-14, the assembly minutes contain much of importance for the student of local government. Light is thrown on the status and duties of officers, from the mayor downwards. In 1614 the mayor drew attention to the error of the high court of admiralty which directed a commission 'Maiori et vice-comitibus civitatis', whereas 'this is a town and no citty and there is but one sheriff'. The mayor of 1614-15 was placed under arrest because the sheriffs of three and four years earlier had been tardy in settling the town accounts with the exchequer. A humbler public servant, the crier, is frequently mentioned. He was bound to make 'oyes and cry' in

various places at the command of either the town officers or private persons who obtained licence from the mayor; he was also the town whipper, his charge being 4*d.* per person; he kept the keys of the town gates and had to see that the landing-places and the streets were kept clean. John Hudson, the town crier in 1613, had been guilty of stealing wood outside the town by night and was therefore dismissed; he was to deliver up his gown and staff, to be committed to prison, and to be whipped, though punishment was deferred for a week owing to his wife's illness. The sentence was repeated 4 February 1614 and again in November, when Hudson's staff was taken away, but whether he was actually whipped does not appear. The participation of Southampton sailors in the Newfoundland fishing led to a series of actions beginning in the pie-powder court of Southampton and ending in the Star Chamber. This litigation so impoverished one of the leading burgesses, Thomas Bedford, mayor in 1612-13, that he begged to be allowed to relinquish sundry offices he held and to be appointed serjeant at mace. The town itself, as well as individuals, was in financial straits, partly owing to the cost of the above-mentioned suits, and partly through expenditure on building. When a benevolence was asked from counties, cities, and boroughs in July 1614, the mayor and sheriffs replied that owing to the recent expenditure of £3,000 'in the new making of our ruined walls, quays, and sea-banks lately overthrown by force of the winds and waters, and many other charges that we have been forced into', the town could offer as a free gift no larger sum than £34 13*s.* The relief of the poor, apprenticeship, trade regulations, and carriers' charges are subjects amply illustrated in the minutes. There is a noteworthy entry on p. 44 respecting a copy of the Authorized Version of the Bible: 'It is this daye [4 September 1612] agreed and ordred by this howse that a newe Bible of the price of xs. or thereabouts shall bee bought and cheyned in the Freeschoole w^{ch} was agreed uppon at the moc'on of Mr Twiste Schoolem^r.' This volume has disappeared, but in Tudor House is preserved a fine copy of the first issue of the Authorized Version presented to the town in July 1612 by John Favour, vicar of Halifax and Burgess of Southampton. On p. 82 is an entry that Joane Carey, a widow woman lately come from the Isle of Wight, and 'employinge herselfe in workinge and teachinge children to Read and Sow [sic] in Sempstrye', was admitted to stay in the town until further orders. Piracy, that plague of the seventeenth-century trader, is not infrequently mentioned, e. g. on p. 90, where it is recorded that two persons received back the goods stolen from them by a batch of pirates. The list is as follows: 'two saddles wth there furniture Two male Pillions two Cloke Baggs two paire of Gamasies [gaiters] Twelve dyamondstones and sixe hand kerchers.'

C. A. J. S.

There are few better local histories of the civil war than the late Canon Rupert H. Morris's work on *The Siege of Chester 1643-1646*, which Mr. P. H. Lawson edited and completed for the Chester and North Wales Archaeological Society (Chester, 1924). Its best feature is the skilful use made of the manuscripts of the corporation, parish registers, and other local records. The illustrations and elaborate map make it easy to follow the

operations described in the text, and the extensive quotations from the sources make this volume of permanent value. It has one fault common to most works of this kind, that the background of national history is too vague. Thus only a few lines are devoted to the battle of Nantwich, and no attempt is made to indicate its great influence upon the fortunes of royalists in Chester and the adjacent district. A wider knowledge of the period would also have avoided some confusion in dealing with minor officers engaged in the struggles around Chester. Thus Hierome Zanchy, who became a major in Cromwell's regiment of horse and succeeded to the colonelcy of Thomas Horton's horse about 1654, is variously indexed as Sankey, Zankey, and Zanchy. More care, too, might well have been bestowed upon the references. 'Rushworth MSS.' (p. 34) is a careless method of referring to Rushworth's *Historical Collections*, part iii, vol. ii (usually called vol. vi), pp. 100-1, where the date of the agreement for neutrality is given a week later than in this book. G. D.

In *English Society in the Eighteenth Century* (New York: Macmillan, 1924) Dr. Jay Barrett Botsford gives within small compass a well-informed if rather overcrowded survey of the life and manners of that age. The book contains a mass of interesting facts, some of them unfamiliar, though the ground has been too often travelled by historians to permit of much originality in observation. The distinctive note is an attempt to explore oversea influences. The growth of colonial and Indian imports and their effects upon industry, dress, and diet are well described. Dr. Botsford's belief in 'the valuable contribution of new ideas from overseas' is less convincing. He holds optimistically that 'the humane conduct of the American colonists during the revolution could hardly fail to be felt in England'. G. B. H.

The first of a two-volume précis of United States history, Dr. D. Pasquet's *Histoire Politique et Sociale du Peuple Américain* (Paris: Picard, 1924), covers the period from the beginning to 1825. The author has used to advantage the recent works of Messrs. Channing, Turner, Beer, Alvord, Osgood, and Commons, and has produced a sound and readable narrative, interspersed with excellent descriptive chapters and illustrated by reproductions of contemporary maps and engravings. It is decidedly the best manual of American history yet written by a European. S. E. M.

Dr. R. G. Adams, the custodian of the William L. Clements Library of American History, has written *A History of the Foreign Policy of the United States* (New York: Macmillan, 1924), the aim of which is to introduce the reader to the elements of American foreign policy, by epitomizing the results of research in this field, in a language intelligible to the general reader. Starting with 'America as a pawn of European diplomacy', the book goes down to the 'unfinished story' of the present day. Especially interesting are the chapters dealing with 'manifestly destined diplomacy', which treat the questions of Louisiana, Florida, and Texas; 'a century of misunderstanding with Mexico', and 'creeping down the Caribbean'. Dr. Adams proves himself singularly free from the

idols of the market-place, and is not afraid to condemn his own countrymen when he thinks them in the wrong, as in the matter of the proposed violation of the Hay-Pauncefote treaty regarding preferential tolls for American goods in the Panama Canal. The chapter on 'One Hundred Years of Successful Diplomacy with Great Britain' closes with the cheering reflexion: 'The great controversies in International Law which seemed to separate the two nations at the beginning of the century are being gradually eliminated. . . . Neither side has insisted on being strictly logical; and, as a result, their troubles have been adjusted by tribunals of law and not by wager of battle.' The volume will be found no less useful to the English than to the American reader, and can strongly be recommended to those who desire a popular history founded on carefully explored material.

H. E. E.

The ninth series of M. Aulard's *Études et Leçons sur la Révolution Française* (Paris: Alcan, 1924) contains ten essays, one of which, being largely devoted to what popular histories said about Joan of Arc from the sixteenth to the nineteenth century, has only a modified bearing on the French Revolution. Others deal with what may be called antiquarian points, such as Danton's last words, and the comments of the Parisian newspapers on receiving the news of Napoleon's death. In other essays, even where dealing with familiar theses, M. Aulard contrives to give fresh information to the world, and the threadbare proposition that Napoleon, during a certain portion of his career, professed republican sentiments is illustrated by fresh evidence from the newspapers which were published under his inspiration in Italy in 1796. The criticism of the picture of the French nobles given in *The Orphans of the Storm* could scarcely be improved, but the most philosophical of the essays ('On the Theory of Violence and the French Revolution') is rather bewildering. If M. Aulard merely means that violence was not countenanced in the theory of government propounded by the revolutionists, or that violence was only used as a means to an end, he is proving a truism; but if, as the tone of the essay suggests, he means that, in practice, violence was either the work of the anti-revolutionary party or the effect of their nefarious proceedings, we must part company with him, observing that it is curious that the September massacres are not even alluded to in the course of the essay. The predilections and repugnances of M. Aulard are so undisguised that no one can be seriously offended by them; but the solemn denunciation of the works, canonical and apocryphal, of 'le père Lorient' may be commended to readers who have a sense of humour.

L. G. W. L.

The twenty-sixth volume of M. F.-A. Aulard's *Recueil des Actes du Comité de Salut Public avec la Correspondance Officielle des Représentants en Mission* (Paris: Imprimerie Nationale, 1923) contains 800 pages and covers the period from 29 July to 29 August 1795. The outstanding event of the month was the conclusion of the peace with Spain which was signed at Bâle on 22 July by Barthélemy. Of him Reubell writes:

Notre ambassadeur est d'une taille élevée; il a au moins cinq pieds dix pouces, assez bien bâti, d'une physionomie fort agréable, teint pâle sans avoir l'air malade, cela

ressemble à peu près au teint d'une femme dont le rouge aurait mangé les couleurs. Nous eûmes ensemble d'assez longues conversations, mais bien fin celui qui voudra lui faire dire ce qu'il voudra cacher !

Nevertheless this typical diplomatist of the old school took the irregular step of informing the representatives on mission of the treaty at the same time that he informed the government at Paris and before he knew whether either party would ratify it. The army of the eastern Pyrenees first received the news by the mouth of the ordinary courier on 3 August, by letter from Barthélemy's special courier on the 4th, and not by the official channels of the committee of public safety until the 5th. Bousquet on a special medical mission reported that ' if the war with Spain had lasted six months more the conquered country and the bad organization of the military hospitals would have destroyed your two armies '. The eastern army had more than twelve thousand sick, some sleeping on the ground, some heaped in the churches like corpses waiting burial. The peace at once released a certain number of troops for service elsewhere, but not so many as were needed to stiffen the hard-pressed army of the Alps, to withstand an expected attack by the English on the Low Countries, and to put down disturbances at Avignon and Lyons. The success at Quiberon had done little or nothing to relieve the situation in the Vendée. The stores abandoned by the invaders were largely looted before they could be taken to government stores, and the guerrilla continued in its most exhausting form. The new committee, in which Merlin (of Douai), Le Tourneur, Reubell, and Sieyès were substituted for Tallien, Aubry, Treilhard, and Cambacérès, appointed Hoche in place of Canclaux as general in chief and appreciated the necessity for a concerted plan rather than a series of sporadic and unrelated attacks. On the eastern frontier the crossing of the Rhine, so long planned, was again twice postponed, even after Reubell had been sent on a special and secret mission to arrange for the passage of the army through the neutral territory of Switzerland and for its subsistence on enemy country. There is little to remark in the narrative of home affairs. Though steps were taken, particularly with the armies, to prepare the reception of the constitution of the Year III, which was to end the Revolution, no mention is made of the laws of Fructidor and the volume closes before any reports of their effect in the provinces could have been sent.

M. A. P.

The letters contained in Miss Dorothea Fairbridge's volume, *Lady Anne Barnard at the Cape of Good Hope, 1797-1802* (Oxford : Clarendon Press, 1924), mostly letters from Lady Anne herself to Lord Macartney, do not add greatly to our knowledge of South African history, but they give an interesting picture of official society at the Cape, and bring us into contact with a very charming character, Lady Anne herself, and with her husband Andrew Barnard, the colonial secretary, a conscientious and upright official who seems to have been much liked by the Dutch. The explanatory narrative which accompanies the letters is full and clear, and adequate explanations of various points referred to in them are usually given. (But if an enclosure is not reprinted a note should be added to explain what it was, e.g. the ' strange affair ' between the governor and General

Dundas referred to on p. 202 is not, as the text stands, intelligible.) Lady Anne was no mean artist, and her pictures of men and scenes at the Cape add greatly to the interest and value of the book. H. L.

M. Driault, continuing his series of Napoleonic studies, sets forth in *Le Grand Empire, 1809-1812* (Paris: Alcan, 1924), the *épopée* of his hero, as the heir of the Caesars, the would-be unifier and pacifier of Europe. It is a fine theme, well developed and fortified by new documentation. Starting with the reconquest of the Rhenish frontier ('une des lois essentielles de notre histoire'), the author unfolds the plan of a Latin hegemony, which should push back *les barbares* and leave the Mediterranean peoples free to develop their culture. The Rhine is the guarantee of the balance of power and the highway of the empire. Hence Napoleon's hatred of Prussia and Austria, while they contested his Rhenish confederation, and of England, which he could not expel from the Mediterranean. His dynastic system, the imperial marriage, the Code, the utilization of the papacy—all figure here as part of, and justified by, the Caesarian tradition. So, too, the gigantic plans for Rome herself, here set forth with enthusiasm, though M. Driault does not mention Napoleon's happily abortive scheme (of date 25 July 1810) to make the city a southern Manchester. Still less does he estimate the strength of the national impulse which marred the imperial designs in Spain, Germany, Russia, finally in Italy herself. Probably he takes too seriously the naval preparations of 1812-13 for overwhelming England at sea and in the Orient. But the volume contains proofs of open-mindedness; for instance, he thus dismisses (pp. 381-5) Napoleon's last offers of peace to England, in April 1812: 'Tous ces propos n'étaient que des bagatelles.' There is an interesting *critique* on Sorel (p. 263). J. H. R.

Signor Aldobrandino Malvezzi has published a most interesting series of letters in his book *Il Risorgimento Italiano in un Carteggio di Patrioti Lombardi, 1820-1860* (Milan: Hoepli, 1924). It is true that the letters will not cause any change in the received and almost over-written story of the political and diplomatic events of these years; but they show more clearly than any similar collection the attitude towards these events taken by the educated and cosmopolitan aristocracy of Lombardy. There is a dramatic unity about any series of family letters; fortune, over a space of years, always puts a tragic irony into the earlier hopes and fears for the future of a family, a cause, or a country. Of no country or period of years is this more true than of north Italy between 1820 and 1860, and, above all, in the years round about 1850; for in our time the revolution of 1848 seems of yesterday, while the revolution of 1789 is scarcely nearer than the Reformation. The letters in Signor Malvezzi's book are particularly numerous and long for the months of 1848 and 1849 when the issues were still doubtful; different members of the family of Trotti Bentivoglio—who wrote most of the letters—were deeply involved in the revolution, and from their intimate knowledge of what was happening foresaw most of the causes of the Piedmontese defeat. They speak of the inevitable slowness of movement of the Piedmontese army, and the

consequent fear of the Lombards that Charles Albert was again playing them false; the lack of transport and supplies; the absence of any siege artillery; the mediocrity of the generals, the weakness and desertion of the volunteers; the Milanese dislike of Piedmont; the half-heartedness of Naples; the scruples of the pope. The beginning of disillusionment and the one hope of final victory appear in a letter written on 24 May 1848 (p. 279): 'vinceremo perchè l'Impero d'Austria muore e a lungo andare mancherà l'avversario per fare la guerra', and the whole tale of angry recrimination, intrigue, and collapse under defeat is summed up in passages from letters written between the two campaigns: in the one (p. 307):

È pure una terribile fatalità che la storia d'Italia abbia da essere pressochè simile in tutti i secoli; le nostre sorti sono affidate a capitani di ventura che combattono per interesse loro . . . od a generali imbecilli . . . e per di più un re che ha perduta l'Italia per la terza volta . . . eppure i popoli sono e saranno sempre . . . ciechi;

and in the other (p. 329):

les gens à placer fourmillent plus qu'en France peut-être et comme on est bien loin de pouvoir satisfaire tout ce monde qui pour avoir tiré un coup de fusil croit que la Patrie leur doit une belle position, la masse des mécontents est nombreuse et nous aurions besoin d'une Algérie pour absorber une partie des postulants de place. Ajoutez à cela que nous sommes devenus d'une telle susceptibilité en fait de Nationalité qu'un accent un tant soit peu étranger est déjà une mauvaise note auprès de nos patriotes.

The letters written in the less eventful years are full of interesting comments upon affairs Italian and French. There are some curious references to Napoleon III, and notices—not entirely unfavourable to Austria—of the treatment of the political prisoners in the Spielberg; while throughout the letters there is a certain noble endurance of suffering as well as a proud and elegant disdain for clumsy Teuton bribes.

E. L. W.

In the first volume of *Das Dreibundsystem 1879–1916*, Band I, *Vom Zweibund bis zum Sturze Bismarcks* (Stockholm: H. Granfelt, Selbstverlag, 1925), Professor Helge Granfelt has carried the history of the formation and development of the 'Bund' system as far as 1890 and the close of the Bismarckian period. The author has been able to make the fullest use of the new German official documents (*Die Grosse Politik*) as well as the parliamentary papers of Italy, Austria, and Hungary, and the whole treatment is substantially based on Wertheimer's *Andrassy* and the work of Dr. Pribram. The chapter on the English *rapprochement* of 1887 is of special interest, but the quotations and references in English here and elsewhere in the book are unfortunately spoilt by numerous misspellings. The book is provided with a helpful bibliography.

W. A. G.

In his *Austrian Foreign Policy 1908–1918* (London: Allen and Unwin, 1923) Professor A. F. Pribram of Vienna reproduces with some modifications the substance of articles contributed to the twelfth edition of the *Encyclopaedia Britannica* (1922). His sketch of Austrian policy is admirably clear and as simple as the subject permits; but it is unfortunate that the limits of his space do not permit him to quote from his rich store

of documents, or even to let us know in what particulars these confirm or modify the evidence already printed from sources of much less credibility than the Vienna archives. We should, for example, like to know whether he has official documents at his disposal referring to those secret negotiations with France which were conducted through Prince Sixtus of Bourbon-Parma (p. 106). His remarks about the foreign ministers of the period deserve careful attention. He is convinced that Aehrenthal was anxious to maintain the peace of the Balkans, appears to commend Aehrenthal's Italian policy, and speaks of his death as 'a heavy loss to the Monarchy' (p. 35). He represents Berchtold as following the same pacific line of action up to 1914, but as gradually driven into another course by the pressure of the military party, under Conrad von Hötzendorf, and by the alarm of 'encirclement' which, so far as the monarchy was concerned, appears to have been first sounded by Count Ottokar Czernin (p. 50) from the Austrian legation at Bucharest. It was Berchtold who persuaded the German emperor that the best way of breaking through the circle was to cultivate the friendship of Bulgaria rather than that of Greece or Roumania, and this decision was taken as early as March 1914 (p. 52). For Burian, who succeeded Berchtold in January 1915, Dr. Pribram has evidently little sympathy; Burian, we are told, was 'something of the professor and something of the doctrinaire', a man who could never be induced to modify an opinion that he had once formed (p. 80). Apparently Dr. Pribram considers that Burian missed good opportunities both in 1914-15, when he was negotiating with the Italians, and in 1916, when he made a bid for a Roumanian alliance (pp. 84-5, 96-7). Czernin is praised as possessing ability above the average, as an accomplished speaker and writer, and as a statesman who was more willing than most of his order to come to terms with democracy. But, when he took the helm, Austria had already lost the power to choose her own policy. He could predict the disastrous consequences of unlimited submarine warfare, but could not prevent Germany from adopting that weapon. He could recommend peace overtures to the allies, but he was too loyal or too timid to persist in them when Germany refused to participate (pp. 105-11). It is to be hoped that Dr. Pribram will soon provide us with a more detailed account of what he has discovered in the files of the Ballplatz. Meanwhile it is an advantage to possess this record of the conclusions to which a student of so judicial a temper has been led by his researches. H. W. C. D.

Each issue of *The Statesman's Year-Book* is a little fuller than the last, and the high standard of accuracy of its statistics appears to be maintained or even raised. A special feature of the issue for 1924 (London: Macmillan, 1925) is a revision of the matter relating to Arabia, carried down to March of the present year with the help of the traveller Mr. H. St. J. Philby. The maps represent the new Jubaland boundary and the various occupied zones of western Germany. H.

The writers of the *Annual Register* have a task which, if it has more human interest, requires equal accuracy and more judgement. When all allowances are made for inevitable slips, we fear it must be said of the

issue for 1924 (London : Longmans, 1925) that it does not, in the matter of accuracy, quite reach a high enough standard. Names, titles, even facts are too often mistakenly given. On the more serious grounds of opinion we have nothing of importance to criticize ; though it is odd that the linguistic question is nowhere mentioned in the account of Belgium. But the smaller matter of exactness needs attention.

I.

The registrar of the prize court, Mr. E. S. Roscoe, has succeeded well in his purpose of giving, in his *History of the English Prize Court* (London : Lloyd's, 1924), a clear historical outline of the jurisdiction and procedure in prize of the English court of admiralty. In arrangement and in such points as indexing and the provision of references and cross-references, the work is remarkably good, and, if Mr. Roscoe's sense of relevance is severe, that is a fault on the right and the less usual side. He makes very plain the process by which the prize court gradually freed itself from the executive, and the more modern process by which in it ' the common lawyers . . . after centuries of antagonism with the civilians, completely prevailed '. In one or two places the brevity he has imposed on himself leads to obscurity. One could scarcely guess without referring to the *Black Book of the Admiralty* that the ' two shares ' of the admiral from privateers' prizes (p. 8) meant as much as two men of the crew were to get. Again, it is true that Sir Charles Hedges continued to hold the office of judge of the court of admiralty while he was secretary of state (p. 40), but during the war of the Spanish succession he had a deputy, George Bramston, who did the judicial work.¹ It is a pity that Mr. Roscoe's list of judges begins only with the Restoration. But his little book will be a most useful guide to historians who have to deal with matters of prize.

G. N. C.

The volume entitled *Inter Alia : A Scottish Calendar of Crime and other Historical Essays* (Glasgow : Maclehose, 1924), maintains Sir Herbert Maxwell's reputation as an agreeable and well-informed writer upon a wide range of subjects. Most of the essays are necessarily slight. The first in order, ' A Scottish Calendar of Crime ', is also, we think, first in merit. It is based on Pitcairn's *Criminal Trials in Scotland*, and leaves a singular impression of the way in which justice was administered there in the sixteenth and even in the seventeenth century. ' The Past in the Present ', the substance of which is drawn from a statute law revision Bill repealing obsolete Scottish Acts, is a good example of the skill with which Sir Herbert Maxwell weaves an alluring and instructive discourse out of stuff at first sight repellent. ' A French Émigré in England ' condenses the impressions and comments of a certain M. Louis Simond, whom Sir Herbert Maxwell seems to regard as wholly unknown to fame, although he is mentioned in Macaulay's essay upon Croker as ' that ingenious and amusing traveller '. The essay on Sir John Moore discusses in a calm critical temper the hotly debated subject of Moore's relations with the government. One or two trivial slips may be noted. In April 1659, not twenty-five but thirty-four years had elapsed since the death of James I

¹ Coote, *Catalogue of Civilians*, p. 101 ; *Cal. of State Papers, Dom.*, 1703-4, p. 498.

(p. 50). Oliver Cromwell was not protector at the time of the condemnation of Charles I (p. 191).
F. C. M.

The portion of *The Falkland Islands* by V. F. Boyson (Oxford: Clarendon Press, 1924) which deals with their history gives a clear and vivid account of them, based upon original authorities, from the time of the early adventurers to the battle which takes their name in the great war. It may be added, though it does not concern us here, that the value of the volume is increased by the notes on the natural history contributed by Mr. Rupert Vallentin.
H. E. E.

Mr. K. L. P. Martin would perhaps have been wise if, instead of publishing 'with comparative little change' the essay on *Missionaries and Annexation in the Pacific* (London: Milford, 1924) which won the Beit Prize in 1921, he had used it as the foundation of a more detailed and authoritative work. As it is, it is a well-written and useful production; but it is better in its treatment of general political developments in the Pacific than in its account of the actual influence of the missionaries, either in England or in the Pacific. It may be noted that Macquarie is twice printed 'Marquarie', and Garnett in one reference finds itself 'Yarnett'.
H. E. E.

Judged as a guide-book, *Adderbury* (Banbury: Guardian Office, 1924), by Henry J. Gepp, the late rector, may pass muster very well and even be commended for its detailed description of the noble church and for the large amount of local family history it contains. But it is far from being what modern scholarship demands in the history of a village. The abundant records relating to Adderbury which are preserved in the Record Office and in the muniment room of New College, Oxford, have scarcely been used at all, and even the Enclosure Award which is, we are told, preserved in the vestry is mentioned without being analysed. No doubt allowance must be made for the fact that Mr. Gepp died before his work on this book was completed; but it is necessary to call attention to these omissions because the preface speaks of 'the State, New College and other records' as among the sources from which information has been derived. Even printed records have been neglected; though in a book which quotes the *Domesday of Inclosures* and Ogilby's *Britannia* one might fairly expect to see some reference to the *Winchester Pipe Roll* of 1208-9 which was published in 1903, if not to the statistics of medieval crops at Adderbury printed in Dr. Gras's *Evolution of the English Corn Market*, and to the facts about ploughing services and other details which are given in Miss Levett's monograph on *The Black Death on the Estates of the See of Winchester*. It is still more surprising to find that the chapter on population gives the population of the parish for 1831, 1841, 1891, 1901, 1911, and 1921, and for those years only.
R. V. L.

The Literary and Historical Society of Quebec has published a *Centenary Volume* (Quebec: 1924) which is partly concerned with the history of that society since its foundation by Dalhousie in 1824, but has other

items of more general interest, especially some reprinted documents. Wellington's Report on the Defence of Canada, made in 1819, assumes that the peace signed at Ghent will not last permanently, and advises the provision of water communications far behind the frontier, by the Ottawa and Rideau rivers to Kingston, and from Lake Ontario to Lake Huron by way of Lake Simcoe. Of the letters from Dalhousie, one of 1827 is the most striking; Dalhousie wrote: 'Here I sincerely hope will be an end of Parliament in this Province, until the Imperial Parliament shall re-consider and compare the speeches of Pitt and Fox with the experience we now have of 36 years of practice.' The volume ends with a very readable article on the history of Quebec by Colonel William Wood.

E. M. W.

Dr. Johannes Thyssen describes his work, *Die Einmaligkeit der Geschichte* (Bonn: Cohen, 1924), as a study in the logic of history. It is not a discussion of the question whether history repeats itself: though Dr. Thyssen remarks incidentally that, subject to proper qualifications, that expression may be allowed. His object is rather to continue the discussion which in Germany has been put on a new basis by Windelband and Rickert, and to ask what it is of which the historian is really in search. Has he to concern himself with generalizations or with concrete particulars? If, as both Rickert and Dr. Thyssen think, the latter is the true view, in what does a historical particular consist? Its distinguishing mark is, according to Dr. Thyssen, unique position in order of time, not (as it is according to Rickert) uniqueness in content. The author works out his position with great thoroughness, asking himself by the way in what sense and to what extent the value of the events investigated affects the free choice of the historical investigator, what is meant by a particular or an individual as conceived in any branch of knowledge, and what scientific justification can be given for the consideration of the past. The whole treatise is therefore a logical one, and the logician would probably admit, even though he were not always convinced, that Dr. Thyssen evades none of the questions that arise, unless it be that he does not commit himself very definitely as to the difficulties that arise in connexion with the reality of time. The historian, if he is interested in the logic of his branch of knowledge, will regret that so careful a student of historical method has given practically no detailed historical illustration; for the historian will think of himself as engaged at different times in problems which, though all historical, are logically of different kinds, and, if the logician contends that the apparent difference is only superficial, the historian will ask for proof of this. But the historian will note, with momentary regret but ultimate satisfaction, that some discussions which might have proved to be of particular value to him have been omitted from the present work on grounds of space, and he may hope that the author will supply them later.

P. V. M. B.

In a recent number of this Review¹ we gave an extended notice of the first volume of Mr. M. S. Giuseppi's *Guide to the Manuscripts preserved*

¹ *Ante*, xxxix. 454-6.

in the *Public Record Office*. The second and concluding volume, dealing with *The State Papers and Records of Public Departments* (London : Stationery Office, 1924), has now made its appearance. Although not so long as its predecessor, the new volume contains (apart from the index) just over 200 pages, as against less than 50 devoted to the same classes of records in the third edition of Scargill-Bird's *Guide*. The description of the contents of the State Paper Office follows on the old lines, and the main feature of the present volume is the much greater detail of the lists of departmental records. Although inventories of the archives of the principal departments have been issued in the *Record Office Lists and Indexes*, the early books and papers of the treasury are the only departmental records (excluding the Privy Council Registers) as yet dealt with in the series of Stationery Office calendars. From the historian's point of view the summary lists in Mr. Giuseppi's new volume most deserving attention are those of the records of the Foreign Office, Colonial Office, and War Office.

H. H. E. C.

The *Baptist Quarterly*, new series, vol. ii, parts 1-4 (London : Baptist Union Publication Department, 1924), contains less than usual that is of historical interest. There is a careful collection of evidence for the Baptists in east Kent by Dr. Whitley, the editor. Such a survey, if it were extended over all England, would be of great value. There is an interesting article on French prophets in England in 1711. The agitation of the Cevennes extended to the Huguenots in England, and the authorities of London vainly tried to suppress it by the pillory and the stocks. Though the phenomena of the 'enthusiasm' were as violent as in France, yet when four of the prophets received a commission to warn Germany of coming calamities, they were as staid in their behaviour as Quakers of the second generation. The tour was a long one, from Amsterdam to Berlin and thence to Leipzig, Erlangen, and Vienna, the return journey being by Ratisbon, Frankfort, and the Rhine. Groups of French exiles were found everywhere. These gladly received the message, as did the German pietists. The orthodox Lutherans were indifferent or hostile, as were the Calvinists of the court of Berlin. The prophets felt constrained to silence at Vienna, though they were sent to be a sign to that city and were very sure of its approaching doom. Two contributions to the controversy about the relation of the English Baptists to the original anabaptists of Germany and to the Mennonites deserve notice. Dr. Whitley is positive in denying the succession of the English, whether general or particular, from a Dutch or German ancestry ; and certainly the Cromwellian soldiery, of whose adherence to the Baptist cause he boasts, would not have been at home in their peaceful society. On the other hand, many English Baptists are proud of a possible continuity with the Lollards, from whom early refugees from the low countries may have found a welcome. The case is not yet decided.

E. W. W.

This last number of the *Byzantinische Zeitschrift* (xxiv. Band, 3. und 4. Heft, 1924), though slimmer than in old times, gives us yet 75 pages of articles, followed by 43 pages of reviews and by 80 pages of short

notices, which form in fact a classified bibliography of recent publications. This is very useful because it gives references to articles of value published in many not very accessible periodicals which might easily escape the notice of scholars in this country, such as for example *Κυπριακά Χρονικά*, 'Ο νεὸς Ποιμὴν of Constantinople and similar publications from Greece and the Near East. Of special interest among the articles is R. Grosse's paper, *Die Fahnen in der Römisch-Byzantinischen Armee*, and of the reviews the most important are a very controversial criticism by E. Stein of Andréades' *Le Montant du Budget de l'Empire Byzantin*, and a favourable account by K. Roth of Strzygowski's *Die Baukunst der Armenier und Europa*, in which the writer gives a general account of Strzygowski's views of the part played by the eastern provinces of the empire in the development of Byzantine art and architecture, and goes on to deal more closely with this recent work on the architecture of the Armenians.

R. M. D.

The American Civil War again plays a leading part in the *Proceedings of the Massachusetts Historical Society, October 1923-June 1924*, vol. lvii (Boston, 1924). 'The Peninsula Campaign of 1862', by Captain Frothingham, contains an able vindication of McClellan's strategy which 'balked Lee's plan, put Lee out of manœuvre and prevented his obtaining any results with this Confederate superiority'. Mr. H. S. Burrage describes from personal recollections 'What led up to the Civil War and what was settled by Abraham Lincoln in that War', and a collection of 'War Letters' of Mr. C. P. Bowditch '1861-4' gives a graphic picture of the point of view of a young soldier. Professor W. B. Munro and Dr. G. W. Allen contribute valuable papers on the 'Coureurs des Bois' and on 'Naval Convoys'. Those interested in the details of the War of Independence will find in a paper on 'Col. J. Stark at Winter Hill' a clear explanation of the reasons why he was passed over when new brigadier-generals were appointed in 1777.

H. E. E.

CORRIGENDA IN THE APRIL NUMBER

P. 295 l. 33 : *for Werther read Werthern.*

P. 306 l. 4 from bottom : *for Norgesveldets read Noregsveldets.*

P. 306 last line : *for states read estates.*

Notices of Periodical Publications

THE following list is arranged on the principles explained at the head of last year's instalment (*ante*, xxxix. 483), and covers the year 1924, with some supplementary entries for 1923. A Russian section is now added, but the issue of a further instalment for Spain and Portugal is postponed. The entries are all based on actual inspection of the periodicals. A number of important articles in foreign periodicals, although mentioned in lists published abroad, have been omitted here because they have not been accessible at first hand. For readers who wish to consult the articles it may be useful to mention that the Cambridge University Press publishes for the University Library a *List of Current Foreign Periodicals* (1923) and a *Select List of Current English Periodicals* (1923). In the Bodleian Library a *List of Current Foreign Periodicals*, which is to be published this year, is already available in the form of a page-proof. In these may be found most of the periodicals mentioned below. Help in identifying some of the others may be got from the section added at the end of the present list. This gives the names of some of the periodicals which began to be published or altered their titles in 1924. It will be seen that a number of the articles are based upon papers read at the International Historical Congress in Brussels in 1923. The contents of these are summarized in the *Compte Rendu* of that Congress (Brussels: Weissenbruch, 1923). Our best thanks are again due to the authorities of the Bodleian and British Museum Libraries for their courtesy in giving facilities for the preparation of this list.

General History and European International Relations

[See also note at the head of the section Slavonic Europe.]

E. Mayer, Germanic kinship and the problem of the agrarian community. [Comprehensive survey.] *Zeitschr. der Savigny-Stiftung*, vol. xlv, Germ. Abt.

P. Battifol, The 'prima cathedra episcopatus' of the synod of Elvira, reply to M. Jülicher. *Journ. of theol. studies*, vol. xxv.

J. Lebon, St. Cyril of Jerusalem and the Arian conflicts. *Rev. d'hist. ecclésiast.*, vol. xx.

N. H. Baynes, Optatus. *Journ. of theol. studies*, vol. xxv.

F. C. Burkitt, Isaac of Nineveh. *Ibid.*

J. Armitage Robinson, The Passion of St. Catherine and the romance of Barlaam and Josaphat. *Ibid.*

E. Vacandard, The origin and credibility of the Provençal and Burgundian legends concerning Lazarus and St. Mary Magdalene. [Supports the critical conclusions of Duchesne in the *Fastes Episcopaux*, vol. i.] *Rev. des questions hist.*, vol. lii.

P. Richard, The papal monarchy before the council of Trent. [General sketch.] *Rev. d'hist. ecclésiast.*, vol. xx.

E. Leane, The different meanings of the term 'beneficium' from the eighth to the eleventh centuries and the origin of ecclesiastical benefices. [Paper read to the International Historical Congress at Brussels, 1923, and based mainly on texts from Burgundy, northern France, and Provence.] *Revue hist. de droit français et étranger*, 4th ser., vol. iii.

L. Gougaud, The practice of phlebotomy in monasteries. *Rev. Mabillon*, vol. xiv.

M. L. W. Laistner, The revival of Greek in western Europe in the Carolingian age. *History*, new ser., vol. ix.

F. von Bezold, The empress Judith and her poet Walahfrid Strabo. *Hist. Zeitschr.*, 3rd ser., vol. xxxiv.

G. Gabrieli, Hunáyn Ibn Ishâq and Ali ibn Ridwân. [Two articles in Italian.] *Isis*, vol. vi.

L. Verriest, The beneficiaries of the 'chartes-lois' of the Middle Ages [paper read to the International Historical Congress at Brussels, 1923]. *Rev. d'hist. du droit* (*Tijdschr. voor rechtsgesch.*), vol. v.

W. Holtzmann, The Eastern policy of the reforming papacy and the origin of the first crusade. *Hist. Vierteljahrschr.*, vol. xxii.

E. Caspar, The character of Gregory VII from his letters. *Hist. Zeitschr.*, 3rd ser., vol. xxxiv.

E. Vacandard, The *De Officiis Ecclesiasticis* of John of Avranches. [Valuable study of the work, an unpublished text of which was edited by the Abbé Delamare in 1922. An account of John as archbishop of Rouen (1067-79) illustrates the policy of William and Lanfranc.] *Rev. des questions hist.*, vol. lii.

A. Fliche, The pontificate of Victor III. *Rev. d'hist. ecclésiast.*, vol. xx.

W. Senior, England and the medieval empire. *Law quarterly rev.*, vol. xl.

F. de Zulueta, The Bruges manuscript of Vacarius [article in English]. *Rev. d'hist. du droit* (*Tijdschr. voor rechtsgesch.*), vol. v.

E. Caspar, The Bulls of Eugenius III for the second crusade. [With text of the Bull of 1 March 1146 by P. Rassow.] *Neues Archiv*, vol. xlv.

E. Bickel, Peter of Blois and the pseudo-Cassiodoran 'De Amicitia'. *Ibid.*

J. Junker, The Collectio Berolinensis [Meerman Cod. lat. 96 (Phill. 1742), a canon law collection]. *Zeitschr. der Savigny-Stiftung*, vol. xlv, Kan. Abt.

E. F. Jacob, Scholasticism and personality in the thirteenth century. *Church quarterly rev.*, vol. xcvi.

C. Petit-Dutaillis, The disinheriting of John Lackland and the murder of Arthur of Brittany. [Critical study of the history of the legend.] *Rev. hist.*, vol. cxlvii.

A. Heisenberg, Prints and discusses documents relating to the disputation of Nikolaos Mesarites with the cardinal legate Benedict and the Latin patriarch Thomas Morosini, 1206; the election of the patriarch and the imperial coronation at Nicaea, 1208; the Greek translation of the Latin mass from Cod. Ambros., F. 96. Another article prints and discusses the report of Nikolaos Mesarites on ecclesiastical affairs in 1214 from Cod. Ambros., F. 93, and other sources. *Sitzungsber. der Bayerischen Akad. der Wissensch.*, 1923.

E. Champeaux, Rules of kinship and succession in Burgundy and France down to the law of 17 Nivôse, an II [6 January 1794]. *Rev. d'hist. du droit* (*Tijdschr. voor rechtsgesch.*), vol. v.

F. Beyerle, Normal types and expansions of the Lex Salica. *Zeitschr. der Savigny-Stiftung*, vol. xlv, Germ. Abt.

P. van Heyensbergen, The influence of canon law on the development of criminal procedure. [Expansion of the author's article in *Tijdschr. voor strafrecht*, vol. xxxii.] *Tijdschr. voor gesch.*, vol. xxxix.

R. Meissner, The degradation of priests. *Zeitschr. der Savigny-Stiftung*, vol. xlv, Kan. Abt.

M. Grabmann, Newly discovered works of Siger of Brabant [see also the same author's contribution to *Miscellanea Fr. Card. Ehrle*, 1924] and Boethius of Dacia. *Sitzungsber. der Bayerischen Akad. der Wissensch.*, 1924.

H. Kantorowicz, The jurist Albertus Gandinus. *Zeitschr. der Savigny-Stiftung für Rechtsgesch.*, vol. xlv, Rom. Abt.

A. J. Boyé, The 61st Novel as interpreted by civilians and canonists in the Middle Ages. *Rev. hist. de droit français et étranger*, 4th ser., vol. iii.

H. Reincke, The political and economic aims of Charles IV. *Hansische Geschichtsblätter*, vol. xxix.

Grace Stretton, Illustrations of the conditions of medieval travel from the printed wardrobe accounts of Henry earl of Derby's travels in 1390-3. [Part of a dissertation of which the whole is summarized in *Bulletin of the Inst. of Hist. Research*, vol. ii.] *Trans. Royal Hist. Soc.*, 4th ser., vol. vii.

K. Schöy, Sundials of the late Arabian astronomy. [Prints German translation of a fifteenth-century text.] *Isis*, vol. vi.

C. Couderc, Jean de Candida's historical works [prints selections]. *Bib. de l'École des Chartes*, vol. lxxxv.

F. Schröder, Prints with introduction in German 'Arnoldi Heymricii decani Xantensis epistola doctrinalis de esurie et arte mendicandi ad pauperem scholarem' of 1482, a pleasing little work of which the manuscript is at Xanten. *Ned. archief voor kerkgesch.*, new ser., vol. xviii.

Alicia B. Gould, List of Columbus's crew in 1492 [three articles]. *Boletín de la Real Acad. de Hist.*, vol. lxxxv.

F. Charles-Roux, The isthmus of Suez and European rivalries in the sixteenth century. *Rev. de l'hist. des colonies françaises*, vol. xii.

G. Edmundson, Albuquerque. *Journ. of Indian hist.*, vol. iii.

W. Kaegi, Hutten and Erasmus [two articles]. *Hist. Vierteljahrschr.*, vol. xxii.

M. Bataillon, Erasmus and the imperial chancery. [Prints from the Simancas archives minutes of letters of Gattinara to Erasmus, 12 February and ? March 1527.] *Bulletin hispanique*, vol. xxvi.

M. Guyon, The Turkish fleet at Toulon, 1543. *Rev. maritime*, new ser., no. 55.

Z. W. Sneller, The wine-trade between France and the northern Netherlands in the second half of the sixteenth century. *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. i.

J. Kesters, The conception of 'ius gentium' in Grotius and his predecessors. *Meded. der Koninkl. Akad. van Wetensch.*, Afd. Letterk., vol. lviii, ser. B.

J. Huizinga, English opinion of the Dutch in the Elizabethan period and the seventeenth century. *Gids*, vol. lxxxviii.

Ina Lubimenko, Projects of alliance between England and Russia, 1567-1623. *Rev. d'hist. diplomatique*, vol. xxxviii.

E. Rodoconachi, The contributions of money by the municipality of Rome in the French wars of religion in 1562 and 1567. *Soc. de l'Hist. du Protestantisme Français: Bulletin*, vol. lxxiii.

L. Desbuquois, Translation of the life of Matthieu Ricci published in Chinese in Peking in 1620 by the Jesuit Jules Aléni. *Rev. d'hist. des missions*, vol. i.

Ina Lubimenko, The struggle of the Dutch and English for Russian trade in the seventeenth century. [Valuable for its citations of Russian authorities, but not referring to all the available Dutch sources.] *Trans. Royal Hist. Soc.*, 4th ser., vol. vii.

S. Kalf, Italians in Amsterdam and relations of Amsterdam with Italian trade and culture. *Nieuwe gids*, vol. xxxix.

E. Lauvrière, The inhabitants of Acadia in the seventeenth century and Charles de Menon d'Aulnay [two articles]. *Rev. de l'hist. des colonies françaises*, vol. xii.

R. Maere, Interpretations of the chronogram of Lipsius: 'Omnia cadunt', 1606. *Rev. d'hist. ecclésiast.*, vol. xxi.

J. Cornelissen, The visit of Marie de Médicis to the Netherlands in 1638. *Mededeelingen van het Ned. Hist. Instituut te Rome*, vol. iv.

H. Courteault, The journey of Peñaranda, Spanish plenipotentiary at Münster, through France during the Fronde. *Annuaire-bull. de la Soc. d'Hist. de France*, 1924.

P. Geyl, The houses of Stuart and Orange, 1650-4. [Continuation of the same author's articles, *ante*, xxxviii. 355, and in *Scott. Hist. Rev.*, vol. xx.] *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. x.

A. H. L. Hensen, The Anglo-Dutch battle off Leghorn, 14 March 1653. [Prints Dutch translation of reports of the Genoese consul at Leghorn, and reproduces Reinier Nooms's picture.] *Mededeelingen van het Ned. Hist. Instituut te Rome*, vol. iv.

Report of Jean le Vacher on the mission to Tunis, 1654, from the archives of the Propaganda. *Rev. d'hist. des missions*, vol. i.

H. de Frondeville, Pierre Lambert de la Motte, bishop of Beirût and vicar apostolic of Cochin China, 1624-79. *Ibid.*

G. Gieraths, Benjamin Raule, 1634-1707, with special reference to the economic development of Brandenburg and to economic ideas. *Econ.-hist. jaarboek*, vol. x.

F. C. Wieder, A manuscript atlas by Johannes Vingboons in the Vatican Library. *Mededeelingen van het Ned. Hist. Instituut te Rome*, vol. iv.

C. G. Picavet, The state of war and the state of peace in the time of Louis XIV. *Rev. d'hist. diplomatique*, vol. xxxviii.

C. G. Picavet, The organization of diplomacy in France, 1667-70. *Rev. hist.*, vol. cxlvi.

C. Jany, The Brandenburg troops employed as auxiliaries by King William III. [Short note of names, dates, &c.] *Forsch. zur brand. und preuss. Gesch.*, vol. xxxvii.

Marquis de Forbin, Cardinal Forbin-Janson and the papal election of 1691. *Rev. d'hist. diplomatique*, vol. xxxviii.

E. Rott, Secret negotiations of Leopold I and Louis XIV in Switzerland, 1692-4. *Rev. hist.*, vol. cxlvii.

H. Das, The embassy of Sir William Norris to Aurangzeb. *Journ. of Indian hist.*, vol. iii.

B. M. H. Rogers, Dampier's voyage of 1703. *Mariner's mirror*, vol. x.

P. Roussier [Prints instructions to the intendant of the French Antilles, 25 August 1716]. *Rev. de l'hist. des colonies françaises*, vol. xii.

G. Goyau, Study of the Jesuit Sébastien Racle, usually called Raale, who was killed at Nanrantsouak in 1724. *Rev. d'hist. des missions*, vol. i.

P. Geyl, Prints correspondence in English between Prince William IV of Orange and Princess Anne of England, 1734-43, from the Dutch royal *Huisarchief*. *Bijdr. en meded. van het Hist. Genootschap*, vol. xlv.

J. Bécker, The mission of the marqués de la Mina, 1736-40. [Continuation in three articles.] *Boletín de la Real Acad. de Hist.*, vol. lxxxiv.

J. Holland Rose, The influence of sea power in Indian history, 1746-1802. *Journ. of Indian hist.*, vol. iii.

P. Geyl, The Stadtholder William IV of Orange and England [two articles]. *Gids*, vol. lxxxviii.

S. Pellegrini, Corsica and Savoy in the eighteenth century. [For the period 1748-71 new materials from the State Archives at Turin are used.] *Nuova rivista stor.*, vol. viii.

L. Thorndike, *L'Encyclopédie* and the history of science. *Isis*, vol. vi.

T. D. Eliot, Adam Smith and Benjamin Franklin, 1773-6. *Political science quarterly*, vol. xxxix.

Margot Herzfeld, The Polish commercial treaty of 1775 [continuation]. *Forsch. zur brand. und preuss. Gesch.*, vol. xxxvi.

S. E. Morison, The origin of the Monroe doctrine. *Economica*, no. 10.

S. F. Bemis, The British secret service and the Franco-American alliance. *Amer. hist. rev.*, vol. xxix.

P. E. Roberts, Warren Hastings and his accusers [with special reference to the affairs of Chait Singh, the begums of Oudh, and Faizullah Khan]. *Journ. of Indian hist.*, vol. iii.

van der Vrecken de Bormans, The duc de Guines. *Rev. d'hist. diplomatique*, vol. xxxviii.

P. Wink, The sources of William Marsden's *History of Sumatra*, 1783. *Bijdragen tot de taal-, land- en letterk. van Ned. Indië*, vol. lxxx.

P. Marty, Repentigny's expedition and the annexation of Saloun in 1785. *Rev. de l'hist. des colonies françaises*, vol. xii.

S. Pugliesi, The travels of M. Landriani in France, Switzerland, Germany, and England [mostly in 1787-8. His reports on industries give data of much interest]. *Archivio stor. lombardo*, vol. li.

H. Sée, The evolution of capitalism and the development of 'la grande industrie'. *Rev. de synthèse hist.*, vol. xxxvii.

A. Dépreaux, Baudry des Lozières and the phalanx of Crête Dragons at San Domingo, 1789-92. *Rev. de l'hist. des colonies françaises*, vol. xii.

J. Holland Rose, Napoleon and sea power. *Cambridge hist. journal*, vol. i.

J. A. Flament, The northern frontier of France, 1794-1815. *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. i.

E. Wilmanns, The idea of neutralizing the Hanse towns, 1795-1803. *Hansische Geschichtsbblätter*, vol. xxix.

J. A. James, French opinion as a factor in preventing war between France and the United States, 1795-1800. *Amer. hist. rev.*, vol. xxx.

F. Charles-Roux, The 'commission des sciences et des arts' attached to Bonaparte's Egyptian expedition. *Rev. des études napoléoniennes*, vol. xxii.

F. Charles-Roux, Bonaparte and the Egyptians. *Ibid.*, vol. xxiii.

E. Achorn, The conscriptions of the years VII and VIII. [Statistical note.] *La révolution française*, new ser., no. 24.

A. Pfister, The Grisons under Napoleon [continuation]. *Annalas della Società Retoromantscha*, vol. xxxviii.

H. Dehérein, The first French consuls on the northern coast of Anatolia. *Rev. de l'hist. des colonies françaises*, vol. xii.

A. Fugier, José Martinez de Hervas, Spanish chargé d'affaires in Paris 1803-4. *Rev. des études napoléoniennes*, vol. xxiii.

A. Dumaine, Prints extracts from the journal of Pierre David, French consul in Bosnia 1807-8 [two articles]. *Rev. d'hist. diplomatique*, vol. xxxviii.

Elsie I. Herrington, British measures for the suppression of the slave trade on the West coast of Africa, 1807-33. [Summary of dissertation.] *Bulletin of the Inst. of Hist. Research*, vol. ii.

C. S. B. Buckland, Johannes Cornelius van Noort, a British secret agent in Holland 1811-13. [Prints French translation of petition relating his services.] *Rev. des études napoléoniennes*, vol. xxiii.

Combes de Patris, The mission of the comte de Serre to Naples in 1822-4. *Rev. d'hist. diplomatique*, vol. xxxviii.

H. W. V. Temperley, Canning and the conferences of the four allied governments at Paris, 1823-6 [with a chronological table of conferences and representatives]. *Amer. hist. rev.*, vol. xxx.

L. Alpago-Novello, The conclave of Gregory XVI. [Chiefly based on unpublished manuscripts. Candidates were the Austrophil Pacca, and opposing him first Gregorio, then Giustiniani, excluded by Spanish veto, then finally Cappellari.] *Archivio veneto-tridentino*, vol. vi.

A. Stern, Leopold I of Belgium and the crisis of 1840. *Hist. Vierteljahrschr.*, vol. xxii.

G. P. Gooch, The Eastern crisis of 1840. [Prints selections from the forthcoming *Later Correspondence of Lord John Russell*.] *Cambridge hist. journal*, vol. i.

M. Besson, The annexation of the Marquesas Islands in 1842. *Rev. de l'hist. des colonies françaises*, vol. xii.

A. De Ridder, Belgium and France after the *coup d'état*. *Rev. belge de philol. et d'hist.*, vol. iii.

P. Matter, Cavour and the Crimean war. *Rev. hist.*, vol. cxlv.

M. Lipton, British efforts to obtain equality of treatment for the Jews of Switzerland, 1854-74. [Based on British diplomatic correspondence.] *Trans. of the Jewish Hist. Soc. of England*, vol. x.

Mildred Whibley, British diplomatic relations with Sardinia, January 1859-March 1860. [Summary of a dissertation.] *Bulletin of the Inst. of Hist. Research*, vol. ii.

J. H. Park, The English working man and the American civil war. *Political science quarterly*, vol. xxxix.

M. Lhéritier, The secret treaty of alliance between Greece and Serbia, 1867-8. [Prints text and subsidiary documents from the correspondence of Prince Ypsilanti in the foreign ministry at Athens.] *Rev. des études napoléoniennes*, vol. xxiii.

O. Guihéneuc, The French naval and military expedition to the Baltic in 1870 [six articles]. *Rev. maritime*, new ser., nos. 51-6.

J. Kühn, Bismarck and Napoleon III after Sedan [two articles]. *Rev. des études napoléoniennes*, vol. xxiii.

R. W. Seton-Watson, Prints selections from the archives of the Russian Embassy in London relating to the Eastern question, 1875. *Slavonic rev.*, vol. iii.

H. Holborn, Bismarck and Schuvalov in 1875. [Prints documents from correspondence of Reuss, Hohenlohe, &c.] *Hist. Zeitschr.*, 3rd ser., vol. xxxiv.

A. M[eyendorff], Prints secret instructions of Staal, Russian ambassador to London, 8 June 1884. *Slavonic rev.*, vol. iii.

A. Stern, Bismarck and Switzerland. [Defends Roth, the Swiss minister at Berlin,

from the charge recently repeated by Prince Philip Eulenburg of having worked with William II against Bismarck in the matter of the international labour conference of 1890.] *Zeitschr. für schweizerische Gesch.*, vol. iv.

P. Haake, German foreign policy, 1890-8. *Forsch. zur brand. und preuss. Gesch.*, vol. xxxvii.

W. Michael, Richard Krauel as German ambassador in Brazil, 1894-7. *Preussische Jahrbücher*, vol. cxcv.

C. L. Hartmann, Prints selections from the Russian archives relating to French policy and the French press, 1904-13 [four articles]. *Deutsche Rundschau*, vol. cxcix-x.

E. A. Lowe, The Codex Bezae and Lyons. *Journ. of theol. studies*, vol. xxv.

L. Schiaparelli, Codex lxxxix of the Biblioteca Capitolare of Verona. [The earliest dated Visigothic manuscript. Contemporary notes show that it travelled by way of Sardinia and Pisa to Verona in the eighth century.] *Archivio stor. italiano*, 7th ser., vol. i.

W. M. Lindsay, The early Lorsch scriptorium [with twelve facsimiles of manuscripts]. *Palaeographia latina*, pt. 3.

L. Schiaparelli, Palaeographic and diplomatic notes. [Two Pisan documents of 730 and 748.] *Archivio stor. ital.*, anno lxxxii, 7th ser., vol. ii.

A. Poncelet, Catalogue of Latin hagiographical manuscripts in the Library of Bologna. [Prints in appendix a mutilated fragment of life of St. Felicissimus.] *Anal. Bollandiana*, vol. xlii.

J. B. Martin, Liturgical bibliography of the Benedictine Order [conclusion]. *Rev. Mabillon*, vol. xiv.

H. Delehaye, The calendar of Oxyrhynchus for the years 535-6. *Anal. Bollandiana*, vol. xlii.

H. Delehaye, Early collections of miracles of the saints, Greek and Latin. [Very important study, containing much of general interest.] *Ibid.*

L. Villecourt, The Arabic collections of the miracles of the Virgin. [Long study and comparison with other collections.] *Ibid.*

H. Quentin, The correction of the Roman martyrology. [Severe criticism of the edition of 1922.] *Ibid.*

L. Petit, Saint John Xenos or the Hermit, from his autobiography. [This was published by Delehaye in 1921. Mgr. Petit seeks to fix the places where John's life was passed in Crete.] *Ibid.*

P. Grosjean, Cyngar Sant. [New discussion in the light of Dr. Armitage Robinson's articles on St. Cyngar in the *Journ. of theol. studies* of the cult of this saint.] *Ibid.*

P. Grosjean, The hagiographical poems of Henry of Avranches : I. The Cambridge Manuscript of his life of St. Francis, Dd. 11. 78. [Collation of Cristofani's edition, 1882.] *Ibid.*, vol. xliii.

P. Grosjean, A seventeenth-century Latin poem on the Irish saints honoured in Belgium. *Ibid.*

H. Brugmans, Thuanus and Emmius as historians. [Paper read to the International Historical Congress at Brussels, 1923.] *Rev. hist.*, vol. cxlv.

France

L. Maitre, The tomb of St. Martin at Tours. *Rev. Mabillon*, vol. xiv.

L. de Lager, The abbey of Saint-Salvy at Albi [first two articles]. *Ibid.*

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A. Hofmeister, Genealogy of the dukes of Amalfi of the house of Muscus Comes. *Byzantin.-neugriech. Jahrb.*, vol. iv.

G. Schwartz and Elisabeth Abegg, The monastery of San Michele della Chiusa and its historiography. *Neues Archiv*, vol. xlv.

L. Simeoni, The tombs of the countess Matilda and her parents. *Archivio stor. lombardo*, vol. li.

K. Hampe, Arnold of Brescia. [Survey of the new light on his career available since the time of Giesebrecht.] *Hist. Zeitschr.*, 3rd ser., vol. xxxiv.

F. Güterbock, The defection of Tortona from the Lombard league. *Neues Archiv*, vol. xlv.

C. Manaresi, Documents of the abbey of S. Bartolomeo in Strada at Pavia. [On

the genealogy of the early Ottbertines, house of Este. Prints *placitum* of 1201 and two Bulls of Celestine III.] *Archivio stor. lombardo*, vol. li.

G. Volpe, Montieri. [Italian translation, with revision, of the full constitutional and economic study for the thirteenth century published in the *Vierteljahrschr. für Social- und Wirtschaftsgesch.* in 1908.] *Maremma*, vol. i.

A. Main, The 'Catastico of Ezzelino'. [This manuscript compilation contains a survey of the rights of Sta. Giustina of Monselica, c. 1250-1350.] *Archivio veneto-tridentino*, vol. v.

N. Ottokar, The institution of the priorate at Florence. [Gives reasons for modifying the reigning view of the city's parties and their struggles in the thirteenth century. He is especially anxious to show that the Guelf government after 1267 was by no means devoid of the participation of the *popolo*, and that the *popolo* after 1280 cannot for political purposes be rigidly partitioned into gilds of different status with different interests and policies, among them an 'eterno programma popolare'. Signor Ottokar certainly has so far a strong case, but there is a danger lest the ordinances of justice should appear almost anomalous. It may be urged that leading *popolani* in 1267, like the Cerchi, were ambitious of knightly status and a noble's way of life, thus helping to form the class of 'magnates', whereas their junior congeners in 1267 and c. 1290 usually desired to remain *popolani* in manners and methods. The social split, which rendered the older section of the oligarchs more offensive than the newer and more numerous, was more important probably for the priorate and ordinances of justice than their descent, which varied, or the sources of their wealth, which likewise differed, or their position in or out of a gild, which did not define them. After all, Villani and Dino Compagni say as much.] *Archivio stor. italiano*, 7th ser., vol. i.

F. Baethgen, An attempt of Rudolf of Habsburg to ascertain the imperial rights in Tuscany in 1275. *Hist. Vierteljahrschr.*, vol. xxii.

R. van Marle, Survey of the principal descriptions of Rome. [Continuation covering the fourteenth to sixteenth centuries; since reprinted in book-form.] *Mededeelingen van het Ned. Hist. Inst. te Rome*, vol. iv.

L. Chiappelli, A commercial letter of 1330 and the crisis in Italian commerce, 1300-50. [Prints letter written by a Pistorian from Touraine and Bourges. The protective measures and exactions of the French king were severely damaging the Italian merchants and bankers, as is shown by the succession of Florentine bankruptcies. But new outlets were being developed in Germany and Flanders as well as in Italian internal trade.] *Archivio stor. italiano*, 7th ser., vol. i.

A. Fliniaux, The failure of the Ammanati of Pistoia and the Holy See. *Rev. hist. de droit français et étranger*, 4th ser., vol. iii.

Mercedes Gaibrois de Ballesteros and H. Finke, Print and discuss a document of 1305 throwing light on the state of Rome after the death of Boniface VIII [two articles]. *Boletín de la Real Acad. de Historia*, vol. lxxiv.

G. Pardi, Outline of the economic history of Naples [continuation in two articles] *Nuova rivista stor.*, vol. viii.

L. Fumi, The relations of Francesco I Sforza, duke of Milan, with the church. [Amicable until the accession of Pope Paul II, with whom no satisfactory understanding was obtained. Sforza's main object in ecclesiastical matters was to retain control of the collation of Milanese benefices. His simony and the desire to dispose of valuable preferments added to the objections of the curia.] *Archivio stor. lombardo*, vol. li.

V. Mistruzzi, Life of G. Sommariva, c. 1435-1500, Veronese minor poet. [Sommariva was also an expert on fortification and a violent anti-Semite: two stories of sacrificial child-murder are given. Prints his will, condemnation for contriving a bigamous marriage, &c.] *Archivio veneto-tridentino*, vol. vi.

N. di Leuna, Giovanni Maria Angiolello, 1451-1525, Vicentine historian of Turkey and Persia. [Considers the *Historia Turchesa* to be really his compilation.] *Ibid.*, vol. v.

P. Negri, The Italian crisis at the end of the fifteenth century. [Negotiations, August 1493-January 1494, in view of the coming French invasion. Prints selection from diplomatic correspondence of Lodovico the Moor.] *Archivio stor. lombardo*, vol. li.

A. Monti, Philip II and Cardinal Christopher Madruzzo, governor of Milan, 1556-7. *Nuova rivista stor.*, vol. viii.

V. di Tocco, A scheme for an Italian confederation, c. 1560. [Proposed by G. Muzio, who later mooted the expulsion of the Spaniards. He seems to be the first modern to plan a confederation with permanent central organ, common army, &c.] *Archivio stor. italiano*, 7th ser., vol. i.

G. E. Uhlenbeck, Johannes Heckius or Eckio. *Mededeelingen van het Ned. Hist. Inst. te Rome*, vol. iv.

L. Emery, The ideas of Paolo Sarpi [two articles]. *Nuova rivista stor.*, vol. viii.

A. Anzilotti, The financial and economic reforms in Tuscany and Lombardy in the eighteenth century. *Archivio stor. italiano*, 7th ser., vol. i.

F. Noack, The banking house and princely family of Torlonia. *Vierteljahrschr. für Sozial- und Wirtschaftsgesch.*, vol. xviii.

P. Pieri, The conduct of Archbishop Capecepatro at Taranto in 1779. [He succeeded in avoiding bloodshed and riots in revolution and counter-revolution.] *Archivio stor. italiano*, 7th ser., vol. i.

K. R. Greenfield, The trials of conspirators against the government of Lombardo-Venetia, 1831-5. *Amer. hist. rev.*, vol. xxix.

H. Weil, The disturbances at Bologna, September-October 1843. [From French diplomatic correspondence: prints extracts.] *Atti e memorie della Reale Deputazione di Stor. Pat. per le Romagne*, vol. xiv.

C. Santoro, Carlo and Giacomo Antonio Galluzzi, Milanese forgers of medieval documents in the seventeenth century. [Their forgeries were made mainly for genealogical purposes. A list is given including some hitherto undetected.] *Archivio stor. lombardo*, vol. li.

G. Fogolari, The church of Sta. Maria della Carità at Venice [now part of the Accademia]. *Archivio veneto-tridentino*, vol. v.

W. Starkie, The *Commedia dell'Arte* and the Roman Comedy. [Examines the possible connexion between the two.] *Proc. of Royal Irish Academy*, vol. xxxvi.

F. Nicolini, Boccaccio's letter to F. de' Bardi in Neapolitan dialect. [Text and commentary.] *Archivio stor. ital.*, anno lxxxii, 7th ser., vol. ii.

G. Zorzi, Buildings designed by Palladio in Friuli [chiefly at Udine]. *Archivio veneto-tridentino*, vol. v.

Netherlands and Belgium

H. van Houtte, The origin of the linguistic frontier in Belgium. *Rev. belge de philol. et d'hist.*, vol. iii.

E. de Moreau, The removal of the residence of the bishop of Troyes to Maastricht. [Important for the early history of this Frankish diocese.] *Rev. d'hist. ecclésiast.*, vol. xx.

F. Lot, The extent of the 'fiscs royaux' in the Carolingian period. [Paper read to the International Historical Congress in Brussels, 1923, maintaining that their area ran from 1,000 hectares upwards.] *Rev. belge de philol. et d'hist.*, vol. iii.

T. Enklaar, The conquest of the Merwede district by Count Dirk III in 1018. *Tijdschr. voor gesch.*, vol. xxxix.

P. Rolland, The 'homines Beatae Mariae' of Tournai. *Rev. belge de philol. et d'hist.*, vol. iii.

M. Coens, The author of the *Vita Erkembodonis*. [Argues that the author was John III, abbot of St. Bertin, 1187, not, as M. Léon van der Essen has tried to show, the fourteenth-century chronicler John of St. Bertin.] *Anal. Bollandiana*, vol. xlii.

H. Nelis, The 'doyens de chrétienté' and their voluntary jurisdiction in Belgium in the thirteenth century [series of articles]. *Rev. belge de philol. et d'hist.*, vol. iii.

H. Nowé, Complaints and inquisitions relating to the administration of the 'baillis' of the counts of Flanders in the thirteenth and fourteenth centuries. *Ibid.*

G. Bigwood, The financiers of Arras. *Ibid.*

M. Letts, The administration of criminal law in Flanders chiefly in the fifteenth century. *Law quarterly rev.*, vol. xli.

H. Terdenge, History of Dutch taxation in the fifteenth and sixteenth centuries. *Vierteljahrschr. für Sozial- und Wirtschaftsgesch.*, vol. xviii.

P. J. Blok, Philip the Good and the towns of Holland in 1436. *Meded. der Koninkl. Akad. der Wetensch.*, Afd. Letterk., vol. lviii, ser. B.

E. C. G. Brünner, Prints the note-book of a clothier and merchant of Hoorn in the second half of the fifteenth century. *Econ.-hist. jaarboek*, vol. x.

D. de Kok, Litigation between parish priests and observant friars about the right of burial at Harderwijk about 1460. [Prints a contemporary account in Dutch.] *Ned. archief voor kerkgesch.*, new ser., vol. xviii.

N. B. Tenhaeff, Magister Johannes, organist of the cathedral church at Utrecht. *Tijdschr. voor gesch.*, vol. xxxix.

D. Th. Enklaar, Prints the tariff of the Rhine toll at Wijk bij Duurstede in 1486. *Econ.-hist. jaarboek*, vol. x.

M. van Rhijn, Goswinus van Halen, 1468-1530. *Ned. archief voor kerkgesch.*, new ser., vol. xviii.

H. E. van Gelder, The Dutch East India Company's trade in China. [Prints documents.] *Econ.-hist. jaarboek*, vol. x.

J. Smit, Prints a manuscript of 1567 on the religious disturbances at Delft. *Bijdr. en med. van het Hist. Genootschap*, vol. xlv.

T. A. Boeree, The treason of Maarten Schets at Gouda in 1572. *Tijdschr. voor Gesch.*, vol. xxxix.

P. C. Molhuysen, The privileges of the university of Leiden. *Meded. der Koninkl. Akad. der Wetensch.*, Afd. Letterk., vol. lviii, ser. B.

J. Loosjes, Adam Billichius. *Ned. archief voor kerkgesch.*, new ser., vol. xviii.

H. Brugmans, Ubbo Emmius, the founder of the university of Groningen, and his correspondence. *Tijdschr. voor gesch.*, vol. xxxix.

J. Lindeboom, Prints with introduction the 'Summa Doctrina Socinistarum' of the elder Vossius. *Ned. archief voor kerkgesch.*, new ser., vol. xvii.

P. Geyl, Prints Sir Francis Nethersole's dispatch of 1625 [State Papers, Foreign, Holland, 158] on the dissensions of the Dutch republic. *Bijdr. en meded. van het Hist. Genootschap*, vol. xlv.

N. Japikse, The oligarchy in Dort in the middle of the seventeenth century. [From notes of Robert Fruin.] *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. i.

S. van Brakel, Prints Herman Gijsen's memorandum and report of 1663 on the economic interests of the republic in the Southern Netherlands. *Bijdr. en meded. van het Hist. Genootschap*, vol. xlv.

H. van Dalfsen, The loss of Overijssel in 1672. *Bijdr. voor vaderl. gesch. en oudheidk.*, 6th ser., vol. i.

Irene A. Wright, The Amsterdam house of Coymans and the *asiento* for the slave-trade, 1685-9. [Article in English.] *Ibid.*, vol. x.

A. S. de Blécourt, Sentences of the *hoofdmannenkamer* of Stad en Lande. [Continuation in two parts.] *Rev. d'hist. du droit (Tijdschr. voor rechtsgesch.)*, vol. v.

A. Oltmans, Prints a memorandum of proceedings in the admiralty of the Maas, 1750-1. *Bijdr. en meded. van het Hist. Genootschap*, vol. xlv.

M. G. de Boer, William I and the beginnings of the metal industry in Belgium. *Rev. belge de philol. et d'hist.*, vol. iii.

J. A. A. H. de Beaufort, Dutch political history, 1868-1918. [Series of articles: prints letter of 1893 to W. H. de Beaufort from J. D. Fransen van de Putte on the latter's differences with Thorbecke.] *Gids*, vol. lxxviii.

R. Lechat, The saints of the abbey of Villers. [Examines the story of the monastic martyrology and the claims of the monks venerated at Villers to be regarded as saints.] *Anal. Bollandiana*, vol. xlii.

Slavonic Europe

[It has been decided to include in this section all the important articles in the four Russian periodicals *Annali*, *Veka*, *Krasnij arkhiv*, and *Russkoe proshloe*, although some of them deal with other parts of Europe and with international relations. It is believed that these periodicals are not available in any English library, but the Librarian of the School of Slavonic Studies, King's College, London, will be able, on certain conditions, to arrange for the use by readers of the private copies which have been used by Mr. B. H. Sumner of All Souls College, Oxford, in compiling the

present list. It has unfortunately not yet been possible to deal with periodicals in the Slavonic languages other than Russian.]

V. A. Butenko, The scientific study of modern history in Russia. [A survey of the work done on European history by Russian historians since 1860.] *Annali*, no. 2.

Ukrainian histography since 1914. [Survey.] *Slavonic rev.*, vol. iii.

V. A. Parkhomenko, The origin of Rus. [Supports Professor Rostovtsev's emphasis on the importance of the south-eastern steppe region in the formation of Kievan Rus.] *Russkoe proshloe*, no. 4.

A. Nasonov, Princes and towns in the Rostov and Suzdal region [in the twelfth and first half of the thirteenth centuries]. *Veka*, no. 1.

F. I. Uspenski, The travels of Benjamin of Tudela. *Annali*, no. 3.

F. I. Uspenski, The empire of Trebizond. *Ibid.*, no. 4.

F. I. Uspenski, Social evolution and growth of feudalism in the Byzantine Empire. [Mainly deals with documents, 1245-1435, from monastery of Vazelon, near Trebizond.] *Ibid.*, no. 2.

M. Priselkov, The 'chronicler' of 1305. [Analysis of the Lavrent'evski and reconstructed Troitski texts in relation to Tver, 1263-1305.] *Veka*, no. 1.

S. F. Platonov, The views of Russian historians on Ivan the Terrible. *Russkoe proshloe*, no. 1.

P. Sadikov, Tsar and *oprichnik*. [Ivan the Terrible, V. G. Gryaznoy, and their correspondence, 1574-6; prints text of three letters.] *Veka*, no. 1.

I. Lubimenko, The struggle of the Dutch with the English for the Muscovite market. *Russkoe proshloe*, no. 5. [As p. 479 above, but with fuller foot-notes.]

S. Bakhrushin, Andrey Fedorovich Palitsin. *Veka*, no. 1.

S. Tkhorzhevski, The Don Cossacks in the first half of the seventeenth century. *Russkoe proshloe*, no. 3.

S. V. Voznesenski, The *dvoryanstvo* and reaction after the death of Peter the Great. *Ibid.*, no. 2.

A. Florovskij, Charles de Villiers, a French jurist in the service of Catharine II. *Rev. hist. de droit français et étranger*, 4th ser., iii.

O. E. Kornilovich, Public opinion in Europe and the revolt of Pugachev. *Annali*, no. 3.

A. Zaozerski, Episode in the history of the revolt of Pugachev. [An account of risings of Prince Kurakin's peasants near Penza.] *Veka*, no. 1.

T. Bogdanovich, The correspondence of Alexander I with V. P. Kochubey. [Deals with fourteen letters from Alexander to Kochubey, between 1792 and 1798.] *Russkoe proshloe*, no. 5.

T. Bogdanovich, Prints extracts from papers of V. P. Kochubey, mainly relating to situation in France, 1791, 1808, 1817, and 1830. *Annali*, no. 4.

B. Kubalov, A forgotten 'Dekabrist': A. N. Lutski. [From material in the archives of the former chancellery of the governor-general of Irkutsk.] *Russkoe proshloe*, no. 5.

B. Siroechkovski, Extract from Nicholas I's memoir on 14 December 1825. [Prints text of the unpublished portion dealing with the night of 14/15 (26/27) December and subsequent investigations.] *Krasnyi arkhiv*, vol. vi.

V. I. Pichet, Prints text of 1835 will of Nicholas I. [Directions to Alexander as to conduct and policy if Nicholas were murdered.] *Ibid.*, vol. iii.

A. A. Sergeev, Prints extracts from the annual reports of the third section of the emperor's private chancellery on the condition of the working classes, 1835-69. *Ibid.*, vol. ii.

E. Kots, Peasant risings in Nicholas I's reign. [From material in the archives of the ministry for internal affairs.] *Russkoe proshloe*, no. 2.

P. Olberg, The revolutionary movement in Russia, 1855-1905. *Tijdschrift voor geschiedenis*, vol. xxxviii.

L. Feygin, Russo-French relations. [Deals with the 1859 treaty and utilizes material from the secret papers of Gorchakov.] *Veka*, no. 1.

V. Koz'min, Prints documents concerning projected risings at Kazan and among the Bashkirs, 1863-4. *Krasnyi arkhiv*, vol. iv.

V. I. Picket, Prints seventeen letters of Pobedonostsev to Alexander III, 3 (15) March-4 (16) May 1881. *Krasniy arkhiv*, vol. iv.

A. Savin, Prints four letters of Prince William of Prussia to Alexander III and two to Prince N. Dolgoruki, 1884-5. [They deal with hostility to England, Bulgaria, and the prince of Wales's visit to Berlin.] *Ibid.*, vol. ii.

A. A. Polovtsev, Text of diary February 1901-January 1903, September 1904-June 1908. *Ibid.*, vols. iii and iv.

M. N. Pokrovski, Prints text of diary of General A. N. Kuropatkin, December 1902-March 1903, February to April 1904. *Ibid.*, vols. ii and v.

B. Romanov, Portsmouth. [Prints seventy-nine telegrams, &c., the majority exchanged between Witte, Kokovtsev, I. P. Shipov, and A. I. Putilov, February-September 1905.] *Ibid.*, vol. vi.

S. A. Pashukanis, The 1905 Russo-German treaty concluded at Björko. [Prints text of treaty and Russian translations of documents concerning it, including correspondence between Lamsdorf, Osten-Saken, and Nelidov.] *Ibid.*, vol. v.

Text of correspondence between Nicholas II and Stolipin, 1906-11. *Ibid.*

F. Rotshtein, Prints Russian translations of correspondence between Kokovtsev and Netslin, 1906-9 [concerning Russian foreign loans]. *Ibid.*, vol. iv.

Texts of reports of Sazonov to Nicholas II, 4 (17) November 1910, 25 June (8 July) 1912, September 1912. [They deal with the Potsdam, Port Baltic, Balmoral, and Paris visits respectively. Text is also given of German proposals concerning Balkans and Persia, 6 (19) August 1910.] *Ibid.*, vol. iii.

S. Sigrist, Russian diplomacy and the Balkan alliance, 1912-13. *Russkoe proshloe*, no. 3.

Y. Zakher, Constantinople and the Straits. [Utilizes material for 1912-13 from Russian naval general staff papers.] *Krasniy arkhiv*, vol. vi.

Text of daily abstract of events, 3 (16) July-20 July (2 August) 1914, kept by ministry for foreign affairs and of documents cited in it. *Ibid.*, vol. iv.

South-eastern Europe and Hungary

A. Alföldi, The end of Roman rule in Pannonia. [Numismatic evidence; two articles.] *Ungarische Jahrb.*, vol. iii.

A. Lymossy, The alleged consumption of raw, saddle-softened meat by the Huns. *Ibid.*

N. Jorga, The Danubian 'Romania' and the barbarians in the sixth century. [Paper read to the International Historical Congress in Brussels, 1923.] *Rev. belge de philol. et d'hist.*, vol. iii.

K. Schünemann, The settlement of the Hungarians. *Ungarische Jahrb.*, vol. iii.

Ch. A. Nomikos, The first mosque of Constantinople. [The house of prayer founded in 717 and made into a mosque in 1048 and 1189.] *Ἐπετηρίς Ἑταιρείας Βυζαντινῶν Σπουδῶν*, vol. i.

K. Amantos, Greek philanthropy in the Middle Ages. *Ἀθηνᾶ*, vol. xxxv.

N. I. Papadakes, Historical archives of Crete, 1204-1915. *Δελτίον τῆς Ἰστ. καὶ Ἑθνολ. Ἑταιρείας*, vol. viii.

V. Hóman, Historical elements in the Nibelungenlied [two articles]. *Ungarische Jahrb.*, vol. iii.

G. Cahen, The Mongols in the Balkans. [Based on a recent Bulgarian work of P. Nikov.] *Rev. hist.*, vol. cxlvi.

G. E. Typaldos, The supposed tomb of the family de la Roche. [At the Attic monastery of Daphni: holding that it was not, as Buchon supposed, that of the duke of Athens, Guy II.] *Δελτίον τῆς Ἰστ. καὶ Ἑθνολ. Ἑταιρείας*.

G. Cammelli, Prints letter of Demetrius Cydonius to John Palaeologus. *Byzantin.-neugriech. Jahrb.*, vol. iv.

A. Rubió y Lluch, The conquest of Thebes in 1379 by Juan de Urtubia. [The achievements of the Navarrese company in Greece and the career of the learned Theban archbishop, Simon Atumano.] *Académie Roumaine: Bulletin de la section hist.*, vol. xi.

J. H. Mordtmann, The first conquest of Athens by the Turks under Bajazet I. [Chronological note.] *Byzantin-neugriech. Jahrbücher*, vol. iv.

I. K. Bogiatzides, A new source of Byzantine history. [An essay by Georgios Scholarios.] *Νέος Έλληνομνήμων*, vol. xviii.

G. E. Typaldos, The descendants of the Palaiologoi after the capture of Constantinople. *Δελτίον τῆς 'Ιστ. καὶ 'Εθνολ. 'Εταιρείας*, vol. viii.

N. Ghiulea, Trade corporations in Roumania. *Rev. d'hist. écon. et sociale*, vol. xii.

N. Jorga, The penetration of western ideas in south-eastern Europe from the seventeenth century. [Series of articles, showing that French ideas were more diffused in Roumania than in other parts of the Near East, and that Moldavia was more advanced than Wallachia. There are some mistakes: there was no 'new constitution' in Greece in 1849; the assassination of Deligiannes was not political, and it is no longer accurate to say that socialism has never existed in Greece.] *Bull. de l'Inst. pour l'Étude l'Europe Sud-Orient.*, vol. i.

R. W. Seton-Watson, Transylvania in the nineteenth century. [With sketch from 1733.] *Slavonic rev.*, vol. iii.

A. Weber, Maria Theresa at the diet of Pressburg. [Literary history of the episode.] *Ungarische Jahrb.*, vol. iii.

L. Eisenmann, The Hungarian nobility and the abolition of feudal rights in 1848. *La révolution de 1848*, vol. xx.

N. Giannopoulos, The Byzantine monasteries near Demetrias. [History of the monastery of Makrynitsa, founded shortly before 1215 by Constantine Melissenos, who became a monk and was buried there, and of the convent of the Baptist near Portariá, founded in 1272 by his son Nicholas and the latter's wife Anna.] *'Επετηρίς 'Εταιρείας Βυζαντινῶν Σπουδῶν*, vol. i.

K. Konstantopoulos, The monastery of St. Meletios on Kithairon and the metropolitan of Athens, Nikanor. [An inscription dated 1573.] *Δελτίον Χριστιανικῆς 'Αρχαιολογικῆς 'Εταιρείας*, 2nd ser., vol. i.

D. P. Paschales, Christian Andros. [Account of the Byzantine churches of the island, of which one dates from 1158 and the others are perhaps earlier.] *Δελτίον Χριστιανικῆς 'Αρχαιολογικῆς 'Εταιρείας*, 2nd ser., vol. i.

A. S. Diamantaras, History of the island of Kastellorizon. *Δελτίον τῆς 'Ιστ. καὶ 'Εθνολ. 'Εταιρείας*, vol. viii.

K. I. Bogiatzides, Kimolos, historical researches about the island. *'Αθηνά*, vol. xxxv.

N. I. Giannopoulos, Medieval Phthiotis and its memorials. *Δελτίον τῆς 'Ιστ. καὶ 'Εθνολ. 'Εταιρείας*, vol. viii.

Ch. G. Pantelides, Completion of the list of abbots of the Cypriote monastery of Kykkos. [Supplementing the list in Hackett's *History of the Orthodox Church of Cyprus*.] *'Επετηρίς 'Εταιρείας Βυζαντινῶν Σπουδῶν*, vol. i.

A. Philadelphus, The excavations at Nikopolis. [Its Christian antiquities investigated by the author since Nikopolis became Greek in 1913.] *Δελτίον Χριστιανικῆς 'Αρχαιολογικῆς 'Εταιρείας*, 2nd ser., vol. i.

P. A. Phourikes, Preveza, its site, foundation, name. [Founded on its present site by at least about the end of the twelfth century; its name is Albanian, meaning 'ferry'.] *'Επετηρίς 'Εταιρείας Βυζαντινῶν Σπουδῶν*, vol. i.

G. Soterion, The monastery of Phaneromene on Salamis. [Founded in 1661-70, probably on the site of an older church, and celebrated during the War of Independence.] *Ibid.*

I. K. Bogiatzides, The Chronicle of Metro. [Historical analysis and interpretation.] *Ibid.*

S. Lampros, The album of the Byzantine emperors. [Scheme for the publication of the collection of imperial portraits made by the late Professor Lampros, with his annotations, in completion of the illustrated catalogue published in 1911.] *Νέος Έλληνομνήμων*, vol. xviii.

G. Soterion, The collection of the society [now for the most part in the Byzantine Museum at Athens]. *Δελτίον Χριστιανικῆς 'Αρχαιολογικῆς 'Εταιρείας*, 2nd ser., vol. i.

T. Holik, The earliest learned society in Hungary [the Confraternitas Plebanorum Scepusiansium]. *Ungarische Jahrb.*, vol. iii.

Switzerland

The monastery of Romainmôtier. *Nuovi studi medievali*, vol. i.

H. Hüffer, The territorial power of the bishops of Lausanne to the end of the house of Fähringen, 1218. [Shows by a careful collection of all the charters the extent and legal importance of the territory of the see in the border district between French Western and German Eastern Burgundy.] *Zeitschr. für Schweizerische Gesch.*, vol. iv.

C. Gilliard, The origin of the Swiss confederation. [Paper read to the International Historical Congress at Brussels, 1923, emphasizing the influence of Italian political forms and ideas.] *Rev. belge de philol. et d'hist.*, vol. iii.

K. Meyer, The oldest Swiss confederation. [Starting from a new and exhaustive treatment of the earliest treaty of 1291 in its diplomatic and legal aspects, the popular Swiss tradition of the Rütli oath and Tell is interpreted as rendering the historical facts of the rising of the Waldstätte against the administrative policy of Rudolph of Habsburg and his sons.] *Zeitschr. für schweizerische Gesch.*, vol. iv.

E. Eichholzer, History and legal position of the Untervogt of Zurich. *Zeitschr. der Savigny-Stiftung*, vol. xlv, Germ. Abt.

C. Seitz, Prints and discusses a long letter of Frédéric César de la Harpe to Jomini, 30 April 1822, in which he tries to justify his share in the overthrow of the old Swiss confederation and the foundation of the Helvétique. *Zeitschr. für schweizerische Gesch.*, vol. iv.

New Periodicals and Changes of Arrangement

The *Annales révolutionnaires* continue from 1924 with the title *Annales historiques de la révolution française*.

Litteris, an international critical review of the humanities (Lund): consists entirely of reviews, dealing with historical and literary works of all countries and periods, written in their own languages by eminent contributors of various nationalities.

Maremma, quarterly from April 1924 [with double numbers], is published in Siena by the Società Storica Maremmana.

The Mariner's Mirror becomes a quarterly from January 1924 and is published by the Cambridge University Press.

The *Mitteilungen des Instituts für Österreichische Geschichtsforschung* become *Mitteilungen des Österreichischen Instituts für Geschichtsforschung*.

The *Revue d'histoire des missions* is published quarterly in Paris from 1 June 1924.

THE ENGLISH HISTORICAL REVIEW

NO. CLX.¹—OCTOBER 1925 *

The Tribal Hidage

IN an attempt to explain the topography of the tribal hidage published in this Review thirteen years ago ² two obvious puzzles were left untouched, the 900 Mercian hides then described as 'unrecorded' and the curious error of 1,400 hides in the addition made by the later (West Saxon) editors of the document. Various modifications in the details have since been suggested, and the identification of Hicca with Hitchin, then relegated to a foot-note,³ has been accepted by Mr. Ekwall.⁴ The main outline, however, remains unshaken, and it may be well to recapitulate it briefly, before trying to show how the puzzles mentioned may be solved.

The original form of the hidage, perhaps as old as Penda's domination (642-55), seems to have been

Mercians	30,000
Hwinca	7,000
Chiltern-dwellers	4,000
East Angles	30,000
East Saxons	7,000
Kent men	15,000
South Saxons	7,000
	<hr/>
	100,000
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Except in the case of the East Angles there is early evidence in favour of these figures. The Mercian 30,000 corresponds with the 30 legions which accompanied Penda to Winwædfeld, and the

¹ The editor wishes to acknowledge gratefully the valuable assistance given in the preparation of this number by Mr. J. G. Edwards, fellow of Jesus College, Oxford, and Mr. C. W. Previté-Orton, librarian of St. John's College, Cambridge.

² *Ante*, xxvii. 625. In the present article the references to authorities there given in the foot-notes have not been repeated.

³ p. 639.

⁴ *English Place-name Soc.* i. 22.

7,000 of the South Saxons is attested by Bede. The Kentish number has an obvious relation to the fine of 30,000 (shillings ?) imposed on the kingdom in 694. The East Saxon hidage of Domesday Book has been discussed in *Notes and Queries*¹ and shows some connexion with the above 7,000. The West Saxons, here called Hwinca and Chiltern-dwellers, have a combined number of 11,000. The West Saxon king Cenwalh in 648 gave 3,000 'lands' (or hides of land) by Ashdown to his kinsman Cuthred, and William of Malmesbury, probably from local tradition, calls this gift 'nearly the third of his kingdom'. This would agree with a total of 11,000 for the West Saxons. The district later held by Cissa, whose capital was at Bedwyn and his bishop's see at Malmesbury,² according to the story in the Abingdon Chronicle, seems to be the same; it was the nucleus of the bishopric of Ramsbury, which extended over Berkshire and North Wiltshire.

That the Chiltern-dwellers were West Saxon about 660 is evident from the Chronicle and the story of St. Birin; but soon afterwards most of their country was annexed by the Mercians. 'Hwinca' is recognized by Toller-Bosworth as the same word as the latinized 'Hwicci', and the bearers of the latter name being West Saxon those of the former are proved to be West Saxon also. It would appear that though Penda in 628 conquered the moiety of the nation or tribe north of the Thames (part of the 'Westerna' in the hidage), those south of the river retained their independence and became the main West Saxon people, their lands extending over Berkshire, North Hampshire, and most of Wiltshire (hidage in all about 7,000, according to Domesday), and soon covering Dorset and Somerset also. It follows of necessity that the word 'Westsexena', before 100,000 hides, at the end of the ordinary versions is a mistaken editorial insertion, made perhaps in Alfred's time. Such a composition of the West Saxon confederation, with 4,000 north of the Thames and 7,000 along its southern bank, in conjunction with the lost Hwicci north of the Thames, has a bearing, though not a conclusive one, on the theory that the West Saxons invaded the country by way of this river.

The framework of the hidage being thus revealed, it is clear that the minor districts with their figures must be details. It was inevitable that the Mercian king and his council should desire to know whence they could summon the host of 30,000, and this compilation may actually have been done in Wulfhere's time,

¹ XI. x. 282.

² This bishop's see at Malmesbury appears also in Salisbury charters. William of Malmesbury says that Bishop Herman about 1055 attempted to make the monastery his see, but failed (*Pont.* v. 264).

when (about 675) he was inciting southern England to shake off the last traces of Northumbrian over-lordship.¹ It is suggested that the Mercian figures took form as in this table :

Wrekin-dwellers . . .	7,000 North Shropshire, Staffordshire, &c.
Western men . . .	7,000 dioceses of Worcester and Hereford
Peak-dwellers . . .	1,200 Cheshire and Derbyshire
Elmet-dwellers . . .	600 part of West Riding
Lindsey with Hatfield	7,000 North Lincolnshire and Nottinghamshire
South Gyrwa . . .	600
North Gyrwa . . .	600
East Wixna . . .	300 South-east Cambridgeshire .
West Wixna . . .	600 South-west Cambridgeshire
Spalda . . .	600 South Huntingdonshire, &c.
Wigesta . . .	900 Oundle Eight hundreds
Herefinna . . .	1,200 Kesteven (part), Framland (?)
Sweordora . . .	300 Huntingdonshire
Gifla . . .	300 North-east Bedfordshire
Hicca . . .	300 Hitchin, &c.
Wihtgara . . .	600
Aro-dwellers . . .	600
Færpinga . . .	300 Windsor Forest (?)
<hr/>	
30,000	
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It is with the last pair of names that difficulty arises, for in the manuscripts they are recorded lower down among the West Saxons. The suggestion here made is that in copying the list they were omitted, and on this error being discovered were inserted in the wrong place. This will account both for the apparent defect of the 900 hides in the Mercian details, and for most of the error in the addition of the whole. Bede states that the hidage of Wight was 1,200, and as the name Aro seems to have left some traces in the island—one of the kings was named Arwald—the Aro-dwellers have been added to Wihtgara to complete the Wight hidage. Færpinga is uncertain, but it may be the 'province of Sonning' named in a Chertsey charter,² though the only apparent trace of the name is Pinge (Punge) Wood just outside the western boundary.³ The statement that the Færpinga were 'among the Middle English' added by an early hand in the margin (see facsimile) does not militate against their location about Windsor, for Ethelweard⁴ places the people of Surrey among the Middle English. (He may have meant Middle Saxons, but this will apply to the marginal note in the hidage, which is of the same period.)

¹ F. M. Stenton, *ante*, xxxiii. 435 ff.

² *Ibid.*

³ *Eagle* (Cambridge), June 1918, December 1919; *Notes and Queries*, xii. vii. 401.

⁴ iii. 2.

Then follows the standing difficulty of the hidage, the hitherto unexplained entries: Nox(Hex)gaga, 5,000; Oht(Ocht)gaga, 2,000. The most probable solution seems to be that they are summations of the preceding minor districts from South Gyrwa onwards; from this point to Sweordora the total is actually 5,100 hides,¹ and from Gifla to Færpinga 2,100 hides. The former district seems to be that of which Peada was made alderman by his father Penda² and in which he was confirmed by King Oswiu after Penda's overthrow (655), Bede stating that these 'Southern Mercians' had 5,000 'families'.³ Bede's Northern Mercians, of 7,000 families (or hides), occur in the hidage as the men of Lindsey and Hatfield. It is suggested that Noxgaga and Ohtgaga may be translated by 'Insiders' and 'Outsiders', or 'Our Men' and 'Anybody's', the former being Angles like the other Mercians and the latter a mixture of Jutes and Saxons. Bedford seems to have been the meeting-place of the various tribes of invaders, Angles from the north, East Saxons and Jutes from the south-east, West Saxons and Jutes from the south-west.

The Mercians under Wulfhere made several attempts to conquer and annex the West Saxon countries. As has been said already, most of the Chiltern country was early absorbed without any recorded struggle; in 651 Wulfhere ravaged the West Saxon lands 'as far as Ashdown', i. e. the district of Berkshire and north Wiltshire mentioned above, and also annexed Wight; and in 675, the year of his death, Wulfhere was still pursuing his plans, and in the same district, if Biedanheafod is rightly identified with Bedwyn. Hence we may conclude that when the Mercians gave details of the West Saxon hidages they meant specially the districts they had attacked:

Hendrica	.	.	.	.	.	.	3,500
Unecungga	.	.	.	.	.	.	1,200
Bilmiga	.	.	.	.	.	.	600
Widerigga	.	.	.	.	.	.	600
East Willa	.	.	.	.	.	.	600
West Willa	.	.	.	.	.	.	600

These names give little help for identifications, and it is possible, looking at the figures alone, to regard the six districts as independent, in which case (the total being 7,100) we should have a description of the West Saxon country south of the Thames as complete as that for the Mercians themselves. But it is possible also that the five districts which follow Hendrica are its subdivi-

¹ If the alternative reading Wigesta 800 be adopted, this total becomes 5,000 exactly.

² *Chron.* an. 652.

³ *Hist. Ecc.* iii. 24. The situation of Peada's lordship is shown by his foundation of Peterborough, in the Gyrwa country.

sions. It is tempting to think that the name Hendrica has something to do with the *patricius* Hean associated with the foundation of Abingdon, and that the district of 3,500 (families or hides) was that given to Cuthred. Unecungga appears to be Wantage; Unecunge and Wanetinge are too similar to be independent, and the difference may be explained either by errors in transcription or more probably by confusion caused by difference of race. Wantage is West Saxon, and the hidage is Mercian, and the earliest appearance of the West Saxon form is 200 years later than the hidage. It is clear that corruption has taken place in this document, for the first of the Mercian districts has to be corrected from Pocen to Porcen, then to Worcen and so to Wrocen. The districts Bilmiga and Widerigga do not seem to have left traces in local names, but the Willas suggest a Wiltshire connexion. The name Wilsætan or Willsætan for the people of that county may be an argument on the other side; William of Malmesbury says that the county took its name from Wilton on the Wyley, and this is supported by the form Wiltescire, but it is interesting to note that there is a Wilton adjoining Bedwyn.

The bishopric of Ramsbury has been suggested above as being an expansion of Cuthred's kingdom, and its deaneries have the following hidages (approximate only):

Berkshire	Reading	.	.	.	430
	Wallingford	.	.	.	120
	Newbury	.	.	.	610
	Abingdon	.	.	.	1,310
North Wiltshire	Cricklade	.	.	.	480
	Marlborough	.	.	.	540
	Avebury	.	.	.	575
	Malmesbury	.	.	.	610

The reason for choosing deaneries is that the hundred boundaries in these counties have been greatly obscured by episcopal and monastic estates formed into special hundreds.¹ The archdeaconry of Wiltshire is in the north, not the south, of the county. The deaneries most nearly representing the hidages of Unecungga and the rest are Abingdon (in which lies Wantage), Newbury, Marlborough, Avebury, and Malmesbury, but possibly Cricklade should replace one of the four latter; in any case the total will amount to a little over 3,500 hides, the figures given for Hendrica. It should be noticed, however, that in other versions Hendrica has only 3,000 hides, and that in the standard version 'and 500 hides' seems an afterthought. This addition, together with the 900 hides mentioned before, accounts for the error of 1,400 hides in the total.

¹ For the hundreds see *Notes and Queries*, XIII. i. 190.

Thus, recalling the supposition that Aro-dwellers and Færpinga have been transposed from their right places, the document as it has come down to us may be set out in tabular form, as follows :

Mercians have	30,000	hides	
<i>There men are first called Mercians¹</i>			
Wrekin-dwellers	7,000	hides	
Western men	7,000	"	
Peak-dwellers	1,200	"	
Elmet-dwellers	600	"	
Lindsey men with Hatfield . .	7,000	"	
South Gyrwa	600	"	
North Gyrwa	600	"	
East Wixna	300	"	
West Wixna	600	"	
Spalda	600	"	
Wigesta	900	"	
Herefinna	1,200	"	
Sweordora	300	"	
Gifla	300	"	
Hicca	300	"	
Wihtgara	600	"	
Noxgaga	5,000	"	
Ohtgaga	2,000	"	
	66,100	"	
Hwinca	7,000	"	
Chiltern-dwellers	4,000	"	
Hendrica	3,000	"	and 500 hides
Wantage	1,200	"	
Aro-dwellers			600 "
Færpinga			300 "
Bilmiga	600	hides	
Widerigga	600	"	
East Willa	600	"	
West Willa	600	"	
East Angles	30,000	"	
East Saxons	7,000	"	
Kent men	15,000	"	
South Saxons	7,000	"	
West Saxons	100,000	"	
In all	242,700	"	

This arrangement shows how the grand total has been obtained : first there was an unnoticed error with regard to Hendrica (if it was an error) and then the accidental omission of two names ; the mistakes were afterwards rectified, as it was supposed, but *without the total being altered*. That the insertion of ' West Saxons ' before the 100,000, the total of the prototype, is an error has been shown above.

¹ This may refer to the Wrekin-dwellers.

The districts of 7,000 hides which are prominent in the reckoning can be illustrated from *Beowulf* (2194-6), where it appears that a gift of 'seven thousand' (families or hides) was a fitting reward for an heroic exploit.

For the sake of completeness the hidages of the remaining Wiltshire deaneries may be added, those of the southern archdeaconry of Sarum. They are approximately—Ambresbury, 250; Wilton, 160; Wyly, 420; Chalk, 460; Potterne, 600; nearly 1,900 hides in all. The rural deaneries seem occasionally to have preserved traces of ancient, social, and administrative divisions,¹ just as archdeaconries did.² J. BROWNBILL.

¹ See the case of Cheshire: *Cheshire Sheaf*, 3 S. iv. 95.

² Essays on the hidages for Hampshire and Oxfordshire have appeared in *Notes and Queries* (xl. iv. 482; v. 444) and may be mentioned here, though the applications there suggested have been abandoned.

The Red Book of Durham

I. LIBER RUBER

IN the diocesan registry at Durham there is a volume of historical transcripts relating to the see of Durham. It was compiled in 1663 at the order of Bishop John Cosin. It contains, besides copies of charters of inspeximus and extracts from well-known chronicles, a transcript of a partial summary, made in the time of Bishop William James (1606–17), of a book called the Red Book, which is stated to have been formerly kept in the chancery at Durham and to have been lost by the officials of Bishop Thomas Morton (1632–47).¹ The book is described as containing royal charters and privileges granted to the bishops of Durham. The summary was printed in 1839, from Bishop Cosin's transcript, by the Rev. James Raine as an appendix to his *Historiae Dunelmensis Scriptores Tres* for the Surtees Society. Since that time the vanished Red Book has remained a fascinating mystery for writers on Durham history.

The Red Book still exists. It is Hales MS. 114 in the library of Lincoln's Inn. It still retains the limp reddish-brown leather binding with flap which gave it its name of Liber Ruber. It is a small quarto volume, measuring 9½ by 7 inches, and consists of 219 leaves, namely 12 unfoliated paper leaves, 156 vellum leaves numbered 1 to 156, and 51 other paper leaves of which the first 27 are numbered 157 to 183. It is written in more than one hand of the first quarter of the fifteenth century. On the inside of the front cover is a note by Sir Matthew Hales recording his purchase of the book: '4 Ap. 1657. bought of Mr. Washington pro 30s.'² The date agrees with the tradition that the Red Book disappeared from Durham between 1632 and 1647.

¹ 'Summa libri continentis chartas regum et privilegia episcopis Dunelmensibus concessa, qui olim dicebatur LIBER RUBER, in cancellaria Dunelmensi diligentissime custoditus, sed nuper a servis et officariis domini Thomae Mortoni episcopi negligentissime deperditus. Haec vero, quae sequuntur, excerpta fuerunt ex eodem libro, tempore Willelmi James, episcopi Dunelmensis' (*Hist. Dunelm. Scriptores Tres*, ed. Raine, Surtees Soc., p. ccccxii). The references to 'Raine' in this article are to the elder James Raine.

² Washington appears to have been a dealer in manuscripts. Hales MS. 77 and Royal MS. 8 B. xii were also acquired from him. Perhaps he is to be identified with William Washington, a bookseller in St. Dunstan's churchyard in 1627–9 (*Dictionary of Printers and Booksellers, 1557–1640* (Bibliographical Soc.), p. 283).

As we have seen, the Red Book is said to have been kept in the chancery at Durham. The term is ambiguous, for the bishop of Durham had two chancellors, a temporal chancellor as lord palatine and a spiritual chancellor as bishop, and the prior of Durham also had his chancellor. There is no doubt, however, that the office referred to was that of the prior's chancellor, or, as he came to be called, chancellor of the cathedral. One John Barnes has written his name on fo. 1 of the Hales manuscript. He can be identified as a Christ Church graduate, brother of Richard Barnes who was bishop of Durham from 1577 to 1587. He was rector of Haughton-le-Skerne and chancellor of the cathedral in 1577, and died in 1590.¹ Thomas Swalwell, who has written his name on the same page of the manuscript, over an erasure, was likewise chancellor of the cathedral church, holding that office in 1497-9.² He had ceased to be chancellor by 1501, for in that year we find him taking the doctorate of divinity at Oxford as warden of Durham College.³ He returned from Oxford to Durham not later than 1504, held various monastic offices in turn,⁴ and was still living in 1532,⁵ but died before the dissolution.

Any doubt as to whether the Hales manuscript is the Liber Ruber is set at rest by the fact that the foliation, which is of fifteenth-century date, corresponds precisely at every point with that given in the abstract contained in Bishop Cosin's book of transcripts.

An examination of the Red Book shows that it is made up of two manuscripts bound within one cover. The first is composed of seventeen numbered quires, each of eight parchment leaves. The second manuscript, forming the latter part of the Red Book, is in a different hand. It is made up of three gatherings of parchment leaves, followed by four of paper, all unsigned. The fifteenth-century foliation is continuous.

The first of the two manuscripts contains a single work, entitled 'Libellus de exordio et statu ecclesie cathedralis quondam Lindesfarnensis, post Conchestrensis, demum Dunelmensis, ac de gestis pontificum eiusdem'. The abstract printed in *Scriptores Tres* is of this alone, and extends only to a part of it, namely fos. 17-63, or little more than a third of the whole. Consideration of the character of this historical work is reserved for the second section of the present article. The second manuscript is made up

¹ Surtees, *Hist. of Durham*, i, p. lxxxii; Hutchinson, *Hist. of Durham*, ii. 328.

² *Scriptores Tres*, p. cclxxxvii; *Durham Account Rolls*, Surtees Soc., pp. 654-5.

³ Wood, *Fasti*, ed. Bliss, i, col. 7.

⁴ He served as terrar in 1504-13 (*Durham Account Rolls*, p. 306); hostillar in 1505-14 (*ibid.* pp. 103, 159), and almoner in 1515-27 (*ibid.* pp. 253-8).

⁵ *Roger of Hoveden*, *Rolls Ser.*, i, p. xxxix.

of seven tracts, chiefly hagiographical, and might be broadly described as a collection of lives of St. Cuthbert. Joseph Hunter notices only four in his catalogue of the manuscripts in Lincoln's Inn Library,¹ omitting nos. 2 and 5, and failing to distinguish between nos. 1 and 3. The full list is as follows :

1 (fo. 134). A metrical life of St. Cuthbert in 407 leonine verses. This is unpublished, but is numbered 767 in Hardy's *Catalogue of Materials* in the Rolls Series, and 2023 in *Bibliotheca Hagiographica Latina*. It is an abridged version of the similar twelfth-century life (Hardy, 768 ; *Bibl. Hagr. Lat.*, 2022) printed from University College MS. 165 in *Miscellanea Biographica* by the Surtees Society.

2 (fo. 141). An unpublished and otherwise unknown poem on the island of Farne, in seventy four-line stanzas of Goliardic verse, beginning 'Mare magnum navibus patet spaciosum'. After naming the various islands forming the group called the Farnes, it devotes twelve stanzas to St. Aidan and St. Cuthbert, and then gives an interesting description of Farne, its sea-birds and its storms, from which it proceeds to general moral reflections and to an account of the Day of Judgement.²

3 (fo. 146). A second metrical life of St. Cuthbert in 312 leonine verses (Hardy, 766 ; *Bibl. Hagr. Lat.*, 2027), also found in one contemporary manuscript (Cott. MS. Titus A. ii, fo. 148), and in one manuscript of the early sixteenth century (Harl. MS. 4843, fo. 243). Raine is mistaken in describing it as a metrical version of the Irish life.³ It embraces the whole of the saint's career, and deals with the main episodes in Durham history down to the battle of Neville's Cross. This manuscript stands alone in giving the author's name : 'Hec fert Stoktona lector dicat prece prona.' He was either Thomas Stockton, who occurs as cellarer in 1343-5 and bursar 1347-8 and died in 1354,⁴ or Richard Stockton. The latter was appointed warden of Finchale in 1395,⁵ occurs as cellarer in 1395 and 1397, became hostillar in the latter year, and was still living in 1409.⁶ Stockton's poem is of small merit, and is unpublished.

4 (fo. 153). The prose *Historia de Sancto Cuthberto* (Hardy, nos. 772 and 775 ; *Bibl. Hagr. Lat.* 2024-5), which has otherwise survived only in two imperfect but mutually supplementary copies (Cambridge Univ. Libr. Ff. 1. 27 and Bodley MS. 596, fo. 203). It has been twice printed,

¹ *Three Catalogues* (1838), p. 342.

² One may take this opportunity to note another addition to the known literature of Farne Island. Harleian MS. 4843, a collection of Durham historical tracts transcribed by John Tode, a monk of Durham at the beginning of the sixteenth century, contains at fols. 56-9 (formerly 54-7) a collection of twelve miracles headed 'De mirabilibus Dei modernis temporibus in Farne insula declaratis'. The miracles were taken down from the report of St. Bartholomew, who lived as a hermit on Farne from 1151 to his death in 1193. 'Que loquor a meipso non loquor, ea tamen referens que venerabilis monachus et anachorita Bartholomeus oculis perspexit vel fidelium relacione percepit.' The piece is not mentioned in the catalogue of Harleian manuscripts, and has not unnaturally escaped the notice both of the Bollandist fathers and of local historians.

³ *Miscellanea Biographica*, p. xi.

⁴ *Durham Account Rolls*, pp. 39-40, 545, 547, 555.

⁵ *Scriptores Tres*, p. cccxxxvii, note.

⁶ *Durham Account Rolls*, pp. 50, 402, 444, 600.

by Mr. John Hodgson Hinde in his edition of Symeon of Durham (Surtees Society), i. 138–52, and, less carefully, in the Rolls edition of Symeon, i. 196–214. Mr. Hodgson Hinde made inquiries for the Lincoln's Inn manuscript for the purposes of his edition, but was misinformed as to its contents¹ and so made no use of it. There is little doubt that it was transcribed from a lost exemplar, said to be written in a very ancient hand, named the prior's book,² for the readings, which are in some respects superior to those of the thirteenth-century Cambridge manuscript,³ agree at all points. We shall recur to the prior's book later.

5 (fo. 159^v). A short chronicle of the see of Lindisfarne, from 625 to 847, also found in a fourteenth-century Durham manuscript in the library of the dean and chapter of York (xvi. 1. 12, fo. 65), beginning 'Anno ab incarnatione Domini dcxxv Paulinus unus'. It has no historical value.

6 (fo. 163^v). 'Notabilia de vita ac miraculis beati Oswaldi regis', abridged from the life (*Bibl. Hagr. Lat.*, 6365) by Reginald of Durham.

7 (fo. 169). 'De nativitate sancti Cuthberti episcopi.' This is the tract otherwise called 'De ortu sancti Cuthberti', and popularly known as the Irish life (Hardy, 765; *Bibl. Hagr. Lat.*, 2026). The readings of this manuscript agree at almost every point with those of the late fourteenth-century copy in the Bodleian Library (MS. Fairfax 6), and are greatly superior to those of the York manuscript selected by Raine, apparently on grounds of geographical propinquity, for his edition in *Miscellanea Biographica*.⁴ This so-called life of St. Cuthbert has a strange history. It is a twelfth-century Irish romance, having for its subject the childhood of the Irish missionary saint Moloc, the sixth-century founder of the cathedral church of Lismore in Argyllshire,⁵ and was converted to their own use by the monks of Durham, apparently in the latter half of the fourteenth century, to serve as an historical narrative of the early days of St. Cuthbert.

None of the foregoing tracts are of first-rate importance, and it is plain that the interest of the Liber Ruber lies in the Durham history which forms the first half of the manuscript. That history will be described in the next section.

II. DE EXORDIO ET STATU ECCLESIE DUNELMENSIS

The 'Libellus de exordio et statu ecclesie cathedralis Dunelmensis', with which the Liber Ruber opens, is a history of the sees of Lindisfarne, Chester-le-Street, and Durham, from the

¹ *Symeon of Durham*, Surtees Soc., i, p. xxxvii; see also p. lxxv.

² 'In fine libri prioris de vita sancti Cuthberti de manu valde antiqua' (Cott. MS. Claud. D. iv, fo. 23^v, margin).

³ e. g. Suth-gedling (cp. *op. cit.* p. 231) for Suth-gedluit.

⁴ The most conspicuous of the misreadings of the York manuscript is 'Bedeforde', which the Liber Ruber correctly gives as 'Gedewortha'. Thus Jedburgh has been converted into Bedford. Any one who knows both places will realize the extent of the confusion.

⁵ See the lections for the festival of St. Moloc printed from the Aberdeen Breviary in *Acta Sanctorum*, June, vi. 241–2. The miracles recorded in lections 2–4 may be recognized in cc. 11 and 19 of the Irish life.

foundation of the church of Lindisfarne in 635 down to the close of the pontificate of Bishop Hugh de Pudsey, who died in 1195. It is a compilation from the *Historia Ecclesiae Dunelmensis* of Symeon of Durham; from Symeon's continuators; from the works of Roger of Hoveden, William of Malmesbury, and John of Tynemouth; and from various subsidiary sources. It is therefore obvious that it was not put together before the middle of the fourteenth century. Earlier writers, with nothing more to go upon than the partial seventeenth-century summary printed in *Scriptores Tres*, may be excused for having failed to determine its character. With the complete text of the Liber Ruber before one, it becomes clear at once that the 'Libellus de exordio et statu' is a work already known in part from other sources. It exists, in fact, in two other manuscripts; and Leland has preserved an abstract of yet another copy which can no longer be traced. We therefore have three manuscripts of the work, and an abstract of a fourth. They are

- A. Bodleian Library, MS. Laud Misc. 748.
- B. Lincoln's Inn Library, Hales MS. 114 (the Liber Ruber).
- C. British Museum, Cott. MS. Claudius D. iv.
- L. Leland's manuscript, epitomized in *Collectanea*, ed. 1715, ii. 365-92.

These can now be described in turn.

A is a folio paper volume, measuring $12\frac{1}{2} \times 8\frac{3}{4}$ inches, and now consisting of 94 leaves with two modern fly-leaves. As originally constituted the manuscript comprised the following parts. (1) Forty-eight leaves numbered at the foot '1'-'48' (now fos. 4-49 and two unnumbered). This part is made up of two kinds of paper, the one (fos. '1'-'20', '43'-'48') having for its watermark a group of three acorns similar to, though not identical with, the dated example of A. D. 1420 in Briquet's *Les Filigranes*, no. 7437; the other (fos. '21'-'42') watermarked with a knot, of more elaborate design than Briquet's no. 11981. (2) A second part, consisting of eighteen leaves, numbered at the foot '49'-'65' ('52' being repeated) and now foliated 50-67. This part is made up of odd sheets of paper, watermarked with the letter T (see Briquet, nos. 9119-21, A. D. 1406-23), the letter A (see Briquet, nos. 7900-2, A. D. 1385-1417), a crown, a unicorn's head (Briquet, no. 15833, A. D. 1435-8), and the previously mentioned knot. (3) A third part, composed of fourteen leaves, viz. fos. 69-74, of the modern foliation, and eight unnumbered leaves. The first seven leaves have the original foliation '1'-'7' at the bottom right corner. The watermarks are a mount, and the same group of acorns as in Part I. (4) Four unnumbered parchment leaves which probably served as fly-leaves: two are blank and two are covered with miscel-

laneous notes, including one on the battle of Shrewsbury in 1403. This chronological indication, taken in conjunction with the script and the watermarks, helps to date the manuscript as falling within the first quarter of the fifteenth century. Probably a dating to c. 1405-15 is not wide of the mark.

Part III is a separate work, as the original foliation shows. It is a treatise, beginning 'Licet aliqui aduersarii pro fundacione intencionis sue', written to prove that the wapentake of Sadberge had never formed part of the earldom of Northumberland. This is followed by notes on the right to forfeitures exercised by the bishops of Durham within the bishopric, and by transcripts of various inquisitions taken in the pontificate of Louis de Beaumont. We may therefore disregard this section and confine our attention to the first two parts.

The 'Libellus de exordio et statu' begins on fo. 6 (modern foliation) and breaks off in the middle of the pontificate of Hugh de Pudsey half-way down the recto of fo. 47. The remainder of that leaf and the four following leaves were originally left blank, and the narrative continued, without any lacuna in the text, at the top of fo. 50, the first leaf of Part II. It closes, with an account of the battle of Poitiers (A. D. 1356), at the top of fo. 67. The last four leaves of the final gathering, being blank paper, have been cut out.

It is impossible to read far into this manuscript of the Libellus without having the conclusion forced upon one that it is the author's draft. Paper manuscripts were not then written for use in libraries. And when one surveys the crowded page and the additional matter packed into the side and lower margins, one is confirmed in the belief that this slovenly and hastily written manuscript had a temporary use. Suspicion becomes certainty upon looking into the character of the insertions and deletions. They are not due to a scribe's carelessness. The insertions are, as a rule, not of words omitted by a copyist, but of sentences drawn from some other source and inserted as an afterthought in the passage that had been copied out from this or that authority. Similarly the deletions show that the writer, in copying out from his authorities, frequently overran the mark, sometimes by a whole sentence, sometimes by a word or two; and the sentence deleted often occurs, a little lower down, as the beginning of a new paragraph. We seem to see the author checking himself, and bethinking himself of matter deserving of insertion, before he resumes the main narrative. Then again, he often changes his mind as to the order of his paragraphs, and marks them with a and b in the margin, denoting that they are to be transposed in the fair copy. Finally he does not trouble to transcribe certain long passages, but indicates that they are to

be read into his history. Thus after copying out the opening paragraphs of the tract *De iniusta vexatione Episcopi Willelmi*, he breaks off with the words, 'etc., ut scribuntur in processu usque ibi *Tandem illorum*'.¹

It would seem from the make-up of the volume that Part II (A²) is a first draft and that Part I (A¹) is a revised draft. When the revision was brought down to a point in the pontificate of Pudsey, the corresponding leaves of the first draft would be destroyed, leaving the text continuous. Comparison of manuscripts A and B will be found to support this supposition.

The first three pages of A (fos. 1, 2^r) are filled with historical excerpts relating to the history of the church of Lindisfarne. These include a passage relating to the supposed birth-place of St. Oswin :

Ferunt quidam hunc sanctum regem Osuinum fuisse natum in quodam castro Burgh antiquitus nuncupato, cuius fundamenta pro parte adhuc manent ex australi parte aque de Tyna prope Southscheles in territorio quod nunc est prioris Dunelmensis.²

This passage occurs only here and in C, where it is incorporated into the body of the history at fo. 5. Interest therefore attaches to the fact that Leland has copied it, as the first of a series of extracts from the earlier portion of the 'Libellus de exordio et statu', in his *Itinerary*.³ It would seem to follow that Leland had read it either in A or in C. Of the two, one may give the preference to A for the following reason. Some of Leland's manuscripts were acquired on the death of his publisher, Reyner Wolfe (d. 1573), by John Stow the chronicler,⁴ and Stow's hand may be recognized beyond doubt in the lists of kings and bishops and the historical passages on fos. 47^v, 48^v, 49, as well as on the

¹ fo. 33.

² fo. 2. The passage is of no historical value, but is an example of the medieval tendency to find origins for Romano-British forts in Anglo-Saxon church history. Of this we have another instance in the same county. In his unpublished life of St. Ebba, Reginald of Coldingham gives the following description of the Roman ruins at Ebchester, the ancient Epiacum : 'Aliud autem monasterium feminarum ex dono fratris sui Oswyn secus ripam Dirwencionis fluminis [St. Ebba] construxit, eique ex nomine suo Ebcestre, id est castrum Ebbe, vocabulum indidit. Quod quale quantumque in se olim fuerit dum staret ex ruinis suis manifeste nunc docetur. Mutato namque ut volet statu temporum, interfectis habitatoribus suis temporibus nefandorum principum Hyngwar et Ubbe, qui miserandas longe lateque in Anglos scedes, perempto rege eorum Edmundo, exercebant, subuersum est, et in plurima[m] nemorum uastitatem et animalium pastura sicut hodie videtur commutatum' (MS. Fairfax 6, fo. 165). The passage was copied from Reginald by John of Tynemouth (see Dugdale's *Monasticon*, new ed., vi. 1149; *Nova Legenda Angliæ*, ed. Horstmann, i. 304), and hence the nunnery of Ebchester has found a place in the new edition of Dugdale's *Monasticon* (vi. 1613) and the *Victoria Hist. of Durham*, ii. 81.

³ ed. Toulmin-Smith, iv. 94 : 'ex historia incerti auctoris de paucis Northumbrie regibus et episcopis Transhumbranis.'

⁴ *Dict. Nat. Biogr.* lxii. 305.

inserted leaves, fos. 1, 2^v, 3^v, at the beginning of the book, on fo. 68^v (an insertion), and in an added unfoliated quire at the end.

Stow lived on till 1605, but the manuscript may have passed before then to the famous astrologer and book collector, Dr. John Dee. Brian Twyne has copied into one of the volumes of his collections now in Bodley ¹ a passage which occurs on fo. 67, and has headed it 'ex libro de statu ecclesiae Dunelmensis, Dr. Dee's booke'. Although the passage is not found in other manuscripts of the *Libellus*, that is not in itself conclusive evidence that Twyne copied from A; for it occurs equally in manuscripts of the '*Historia de statu ecclesiae Dunelmensis*' ascribed to William de Chambre, from whom the compiler of the *Libellus* borrowed it. However, Dee's private mark, a small ladder, may be faintly discerned on the inner margin of 'fo. 1' (new fo. 4), opposite the beginning of the second paragraph. He must have acquired it after 1583, for the manuscript is not in the catalogue of his library drawn up in that year.²

Dr. Dee died in poverty in 1608. His estate became the subject of litigation, and so it happened that his library was not disposed of for several years. It was finally sold in 1625.³ But already a few books had got into other hands, and in 1624, a year before the sale, manuscript A was acquired by the herald, Sir Richard St. George, who has written his name at the top of fo. 2.⁴ St. George had a good collection of manuscripts, part of which he disposed of in 1633 to Archbishop Laud. Two years later Laud presented this book, as part of his first donation, to the library of the university of Oxford.

During the civil war Sir William Dugdale took advantage of his attendance on King Charles's court at Oxford (1642-6) to conduct historical researches in the Bodleian Library.⁵ He perused our manuscript, and filled twenty-three pages of a folio note-book now in Bodley ⁶ with passages which he considered worth transcribing. The contents of the first fifteen pages were printed off in volume i of the first (1655) edition of the *Monasticon*, where they will be found at pp. 38-46. The passages there printed are culled from the first seventy-six chapters of the *Libellus*. They appear in the printed text as a series of paragraphs, without the folio references which Dugdale had added in the margins of

¹ MS. Twyne 21, p. 700.

² M. R. James, *List of Manuscripts formerly owned by Dr. John Dee* (Bibliographical Soc., 1921).

³ *Op. cit.* p. 5.

⁴ The genealogical note in the margin of fo. 63^v is also in St. George's hand.

⁵ Hamper, *Life, Diary and Correspondence of Sir William Dugdale*, p. 21.

⁶ MS. Dugdale 21. The extracts from A occupy fos. 96^v-108; they have been printed in the *Monasticon* only down to the top of fo. 104. Dugdale also wrote out the forged Durham foundation charter of William the Conqueror on a separate sheet, which he sent to Roger Dodsworth; it is now MS. Dodsworth 55, fo. 21.

his manuscript copy, and this fails to reveal their isolated and disconnected character. When he published volume ii, in 1661, Dugdale included in it an appendix of documents relating to monasteries described in the first volume, which had come into his hands subsequently. Among them were (pp. 845-7) seven charters and some historical passages 'ex codice MS. de exordio et statu Lindisfarnensis ecclesiae'. These are quite distinct from the passages previously copied out from A and omitted from volume i, but they are evidently derived from A, for the final passage and the order of the earlier ones are peculiar to that manuscript of the Libellus. The editors of the new edition of the *Monasticon* brought the two sets of extracts together, but unfortunately did not understand their relationship. By numbering the first set as I and the second set as VI to XVI, and leaving VII to XVI without any indication of the source from which they were taken, they concealed as effectually as possible the origin and the authority of the documents which they were editing.¹

Medieval manuscripts, if closely catechized, have generally more interesting histories to tell than are revealed in library catalogues, and A is no exception to the rule. The recognized autograph manuscripts of medieval historians are rare; their drafts are rarer still. And this manuscript has reposed in turn upon the shelves of Leland, of Stow, of Dee, and of Laud. It was studied diligently by Dugdale in days when Bodley can have had few constant readers but him and old Twyne and Gerard Langbaine, and when Rupert and his cavaliers were riding through the streets of Oxford. A little later Anthony Wood quoted² and, I regret to say, wrote in ink on the margin of fo. 66 ('64'). Since then the book has been provided with a commonplace binding and an uninforming description in the printed catalogue of Laudian manuscripts.

B is a fair copy, perhaps made directly from A¹ and from a revised draft of the earlier portion of A². Unlike A it is divided into chapters of unequal length, 150 in number; but its chief mark of distinction from A is that it is brought down no further than the close of Pudsey's pontificate, stopping just short of the death of that bishop. B follows the directions given in A for the transposition of paragraphs, and transcribes at length

¹ *Monasticon*, new ed., i. 233-9, 241-2. By a perverse fortune the shelf-mark of A had been changed, about 1790, from H. 76 to H. 52. The new edition made the necessary correction, quite properly referring the first set of extracts to Laud H. 52. But the manuscript is not traceable under that press-mark in any printed catalogue, and, in the interval between preparing the copy of the new edition for the press and the appearance of the first volume, it was again re-referenced and given its present press-mark, Laud Misc. 748.

² *City of Oxford* (Oxford Hist. Soc.), ii. 266.

the passages which A indicates for insertion, notably the tract 'De iniusta vexatione episcopi Willelmi', and the long account of the struggle between William Comyn and William de St. Barbara from Symeon's continuator. There is nothing in B showing independence of A¹ except the insertion of a fuller account of the literary works of Prior Laurence.¹ On the other hand the dependence of B upon A² is less marked, and the last eleven chapters of B (cc. 140-50) have no counterpart in A. This corroborates the conclusion, previously reached, that A¹ is the author's revised copy, and that A² is what is left of the first draft.

As the *Liber Ruber* has already been described at length in the first section of this article, it is not necessary to add more than that B is preceded by a paper quire containing two lists of the bishops of Durham down to Cardinal Wolsey (1522). The second list records Wolsey's death, and so was written after 1529. The same person who wrote the second list also entered in this preliminary gathering a summary of the first eleven chapters of B. Comparison of the writing with that of the signed index prefixed to the Oxford copy of the '*Liber Dunelmensis*' (St. John's Coll. MS. 97) shows that the writer was Thomas Swalwell, and that the marginal notes written in B and in various other Durham historical manuscripts² are likewise to be attributed to Swalwell. These marginalia, written in an old man's hand, mark Swalwell as a diligent peruser of Durham histories, but never contain independent matter.

C is a fine folio volume, evidently written for the conventual library. The first page is surrounded by an ornamental border and is decorated with three shields, namely azure, a cross or between four lions rampant argent, for the see of Durham; azure, a cross patonce or between four lions rampant argent, for Durham priory; and gules, two bars, in chief three mullets or. This last is the coat of the Durham family of Wessington or Washington, perpetuated at the present day in the stars and stripes of the United States. It commemorates John de Wessington, prior of Durham from 1416 to 1446, to whose priorate the manuscript doubtless belongs. There is no evidence as to how

¹ A had indicated doubt whether the poet was also the prior. 'Laurencius prior successit Rogero. An iste fuit Laurencius qui tam solempniter versificavit super Bibliam, quod opus intitulat Yponosticon Laurencii monachi Dunelmensis, ac eciam qui tam egregie versificavit de situ Dunelmensi, dubitatur, tamen verisimile est quod sic' (fo. 44). B is positive on the subject: 'Hic [Laurencius prior] multa laude digna conscripsit, scilicet de morte amici per modum dialogi; Yponosticon, quod ipsemet in prologo interpretatur librum abbreviatum, super Vetus et Novum Testamentum, distinctum in novem libellos. . . . Sunt eciam alia ab eodem Laurencio conscripta [a list of six works follows]. Scripsit eciam metrica de civitate et episcopatu Dunelmense, per modum dialogi inter Laurencium et Petrum' (fo. 117). The latter passage is partly quoted from C in Tanner, *Bibliotheca Britannica*, p. 472, where for 'Laud D. iv' read 'Claud. D. iv'.
² e. g. MS. Fairfax 6 and Durham MS. B. ii 35.

this or other Durham books passed into Sir Robert Cotton's possession.

The 'Libellus de exordio et statu' fills the first eighty-seven leaves of the manuscript. It is a different version from B, and evidently a later edition. C supplies a final chapter, dealing with the death of Pudsey, which is wanting from B, and the text exhibits revision throughout, but especially in the earlier chapters. These have been considerably extended by the insertion of additional matter, and all through there are additions and omissions and changes in the order of paragraphs. According to the *Catalogue of the Cottonian Manuscripts* the Libellus is followed in C by a copy of Reginald of Durham 'De virtutibus et miraculis Cuthberti'. This is a mistake. What follows is a single leaf (fo. 88) from another manuscript containing part of Reginald's preface. The remainder of the book (fos. 89-113) consists of a series of extracts from historical writers bearing upon the history of Durham, and is in fact an appendix to the Libellus. The manuscript, though known both to Mr. Hodgson Hinde¹ and to the two Raines,² has hardly been utilized, and its character has never been discussed.³

L is the manuscript summarized by Leland in his *Collectanea* (ed. 1715), ii. 365-92, under the title 'Liber incerti autoris de episcopis Lindisfarnensibus'.⁴ Leland's summary ends in the middle of ch. 115, and here his manuscript seems to have broken off and to have been followed by a short account of the right to forfeitures exercised by the bishops of Durham. It was not identical with A, though that manuscript seems to have come into Leland's hands, for it agreed with B as against A in the order of paragraphs and in containing at length the passages written out in B but merely indicated in A. We must therefore regard L as a lost copy of the first edition.

It is now possible to trace the development of the Libellus. Manuscript A shows, somewhat vividly, a monk of Durham (for we may be sure he was a monk) sitting down, with a pile of manuscripts from the conventual library at his elbow, to compile a history of his monastery. This he brought down to 1362, a date about fifty years before that at which he was writing. He then proceeded to revise the earlier portion, and, as he did so,

¹ *Symeon of Durham* (Surtees Soc. ed.), p. 149, note.

² *St. Cuthbert* (Durham, 1828), pp. 50, 53, notes; *Poems of Lawrence, Prior of Durham* (Surtees Soc.), p. xxxii, note.

³ As we have seen, it is quoted by Tanner. It was perused by the industrious Twyne, whose notes from it are in the Bodleian Library (MS. Twyne 24, pp. 53-7). And it would doubtless be possible, though unprofitable, to extend the list of those who have laid it under contribution.

⁴ The scattered notes 'ex antiquo codice Dunelmensi' in Leland's *Itinerary* (ed. Toulmin-Smith, v. 129-31) are also probably from a copy of the Libellus.

tore up the cancelled leaves of the first draft. He next proceeded to go through his manuscript, adding sentences between the lines and paragraphs at the foot of the page, and indicating in the margin changes in the order of sections. By this time he had made up his mind to end his work with the death of Pudsey. A copyist was then employed to make two or more fair copies, which he did from the revised draft (A¹) and from a supplementary quire which has not been preserved. One copy (B) was eventually placed in the chancery or registry of the convent ;¹ another (L) survived to the sixteenth century, but has since been lost. Finally the author decided on a second edition. He entirely remodelled and considerably expanded the opening chapters, but his revision of the later portions of the work was less thoroughgoing. A handsomely executed copy (C) of the second edition was illuminated with the arms of the monastery and of its prior, and was deposited in the convent library.

Who, then, was the author? None of the manuscripts of his work contain his name. To Leland he was frankly 'incertus autor'. Yet there is little difficulty in identifying him. We have seen that the history was drafted in the first quarter of the fifteenth century, and have suggested 1405-15 as the probable date of manuscript A. We have also seen that C has on its front page the armorial shield of Prior John de Wessington, and have suggested that that manuscript was written during his priorate (1416-46). But it may have an additional significance ; at least it furnishes a clue. There are preserved in the treasury at Durham two copies of a 'Rotulus in quo recitantur compilaciones factae per Iohannem Wessyngton, Priorem, pro defensione ecclesiae Dunelmensis'. The roll has been printed by the elder Raine as appendix ccxxviii to his edition of *Scriptores Tres*.² It contains a list of Wessington's literary works, and the second on the list is 'De primordio et progressu sedis episcopalis et monachicae conversacionis ecclesiarum Lindisfarnensis et Dunelmensis, prius compendiose, post librum ex diversis opusculis et multis scriptis fidedignis collectum'.³ Although this is

¹ But not till after 1421, for the Red Book does not occur in an inventory of the books in the custody of the prior's chancellor drawn up by John Fysshborn and printed in *Catalogi Veteres Librorum Eccl. Cath. Dunelm.* (Surtees Soc.), p. 123. The 'cronica de exordio et progressu ecclesiae Dunelmensis' included in that list was a copy of the *Historia Dunelmensis Ecclesiae* of Symeon, for the first words of the second folio, 'et quam maxime', will be found in ch. 1 of that work. The *secundo folio* of the Red Book is 'doctrinam. Id maxime'.

² pp. cclxviii-cclxxi. Raine's press-mark is obsolete, and the rolls are now referenced Misc. Chart. 5727.

³ This is followed by the symbols 'O. 2.', and Raine adds, 'These references refer probably to the respective documents, so marked, preserved in the Treasury'. The succeeding item is marked 'B. 3. d'; the next one 'C. 4', and so on. Lest it should be thought that a copy of Wessington's history can be produced at the treasury

not an exact reproduction of the title of the Libellus, it may be recognized as a general description of the two parts of manuscript C, namely of the history and of its appendix of authorities. The attribution of the Libellus to Wessington is in accord with what is otherwise known of him as a historical writer, and with his quotations from it in his recognized works.¹

In short the history is Wessington's, written probably before he became prior in 1416, and there are three manuscripts of it extant, and three independent summaries of it have long been in print. There is in the first place the series of disconnected excerpts from cc. 1-76 in volume i, and the isolated documents in volume ii, of the *Monasticon*. Secondly, there is Leland's continuous summary of cc. 1-115, printed by Hearne. And finally there is the list of chapter-headings (for they amount to little more) to cc. 19-72, printed in *Scriptores Tres*. It was the recognition that these three summaries were of one and the same work that led to the discovery of the Red Book, and, incidentally, to the writing of this article.

With these three summaries before them readers may form for themselves some conception of the character of Wessington's compilation. But it is well to give here a general survey of the authorities from which it is derived. It is based upon the history of the church of Durham written by Symeon, with whose opening words Wessington commences his work. Practically the whole of Symeon's history has been incorporated, the main omissions being the minor miracles (*Hist. Dunelm. Eccles.* ii, cc. 8-9, 11, &c.; iii, cc. 3, 10, 12, 13). When Symeon fails him, Wessington turns to Symeon's continuator, then to Geoffrey of Coldingham, and finally, in the later portion of his narrative, to Robert of Grey-stanes. Into this chain of Durham chroniclers he has intertwined the work of a few general historians, first the *Historia Ecclesiastica* of Bede, and then a chronicle which he cites as Roger of Hoveden but which is really the 'Durham Book' from which Hoveden copied the first part of his history. Little use is made of the

upon demanding 'O. 2', it is well to add that these symbols are not of the nature of press-marks. The numbers, which run from 1 to 32, merely give the order in which the items occur on the roll. The letters attached to the first twenty-six items are taken from an earlier list in which they stood in a different order, and will be found to run from A to Z, followed by AB, AC, AD. The letter *d* stands for *deest*.

¹ e. g. in *Rites of Durham* (Surtees Soc. ed., 1903), pp. 131, &c. No proof, unfortunately, can be got from Wessington's handwriting. We have seen that A is the author's draft, but it does not necessarily follow that he wrote it with his own hand. It is conceivable that he dictated. And I have failed to find indubitable examples of Wessington's hand. Raine prints in his *Saint Cuthbert*, p. 44, note, from a document in Durham treasury then known by the reference 'locellus 2dus' but now Misc. Chart. 5673, a list of churches and chapels dedicated to St. Cuthbert (also found in Harl. MS. 4843, fo. 186), which he says is in the handwriting of the prior. It is in a distinct hand from A. But then Raine gives no authority for his assertion.

Durham Book before the reign of Athelstan, but for the years 934–52 and 1069–80 it becomes the primary authority. It continues to be largely drawn upon for the pontificate of William de Carilef, but the only considerable extract made from it after that is the account of the battle of the Standard. Occasional quotations are also made from Henry of Huntingdon, from William of Malmesbury (both the *Gesta Regum* and the *Gesta Pontificum*), from the *Historia Aurea* of John of Tynemouth (who is here systematically cited as John of York), and for the pontificate of Pudsey, from an unidentified but secondary authority which may prove on examination to be the Durham chronicle, Cott. MS. Julius D. iv. Wessington has also included two documents of national interest, Adrian IV's bull *Laudabiliter* and Richard I's confirmation to William the Lion of Scotland.¹

Turning to the subsidiary historical literature of Durham, we find that Wessington has made comprehensive but judicious use of it. He has inserted a number of chapters of the *Historia de Sancto Cuthberto*.² He borrows from the tract *De miraculis et translationibus* the story of King Alfred's vision at Athelney (ch. 1) and the long account of St. Cuthbert's translation in 1104 (ch. 7).³ He has incorporated as his seventy-second chapter the entire tract *De iniusta vexatione episcopi Willelmi*, omitting only prologue and epilogue. He utilizes Symeon's *Epistola de archiepiscopis Eboraci*, and the anonymous chronicle printed from Durham MS. B. ii. 35 in the second volume of Raine's *Lives of the Archbishops of York*.⁴ He also had before him a manuscript containing the tract *De primo adventu Saxonum* in a form differing slightly from the text printed in the Rolls Series. Wessington's apparent distaste for miracles led him to be sparing in his use of hagiographies; but he was perfectly familiar with the literature, and has drawn to a limited extent on Bede's *Vitae Abbatum* and prose life of St. Cuthbert, as well as on the preface to the metrical life; on the anonymous life of St. Eata; on Reginald's lives of St. Oswald and St. Ebba (though not, be it noted, on his Miracles of St. Cuthbert); and on the lives of the twelfth-century Durham saints, Godric of Finchale and Bartholomew of Farne.

As might be expected, the texts used by Wessington were those which he found in the library of his monastery. Symeon and his continuators were used in the fourteenth-century edition

¹ Rymer, *Foedera*, i. 62.

² cc. 4, 5, 8, 21, 22, 26, 27, 29, 33.

³ It forms Wessington's c. 93.

⁴ pp. 513–30. The lives of Archbishops Thomas II and Thurstan have been taken from this source. Wessington may have derived from the same manuscript his chronology of the bishops of Lindisfarne and Durham, which is more exact than Symeon's.

known as 'Gesta episcoporum', and in that copy of it which was once in Durham cloister and now is MS. Fairfax 6 in the Bodleian Library.¹ The chronicle cited as Hoveden was the 'Durham Book' now numbered MS. 97 in the library of St. John's College, Oxford. And the manuscript of the *Historia Ecclesiastica*, or, as it is here called, the 'Gesta Anglorum' of Bede, was certainly one of the Durham group of manuscripts,² and was doubtless the copy still in Durham Library marked MS. B. ii. 35, to which Wessington also went for the 'Cronica ecclesiarum Eboracensis et Dunelmensis'. But not all the texts used by Wessington have survived. His copy of the *Historia de Sancto Cuthberto* was a very ancient one known as the prior's book, of which the Liber Ruber contains a transcript. The title given to it, 'Veteres libri monasterii Dunelmensis',³ the old land-books of Durham monastery, reveals its character as a pre-conquest narrative chartulary.

The main feature, however, of Wessington's compilation is its use of documents. Just as at this time Thorne at Canterbury was setting out to write a great history of his monastery from the monastic archives, so Wessington at Durham realized how literary sources could be supplemented from the evidence at hand in the chartularies and registers.⁴ He sometimes summarizes, more often he quotes in full. But he had not, here at least, access to more than has survived to the present day. For Carilef's establishment of Benedictines at Durham he had nothing better than the forged foundation charters.⁵ For the earlier period he knew of no deeds of gift except King Ecgfrid's forged donation to St. Cuthbert,⁶ and Earl Waltheof's suspicious grant of the church of Tynemouth to the monks of Jarrow.⁷

¹ A marginal reference in B, fo. 96v, to a particular folio of the 'liber de gestibus episcoporum in clauistro' establishes the identification.

² For the distinguishing marks of this group see Plummer's edition, i, p. cviii.

³ Leland, *Collectanea*, ii. 369.

⁴ It seems that he worked from the chartularies rather than from the original deeds. So in c. 145 we read, 'Factum est excambium inter Hugonem episcopum et priorem et conventum Dunelmensem super villa de Mugleswyke, que prius erat dicti episcopi, et super villa de Hardwyke, que prius erat prioris et monachorum, ut paret in cartulario' (B, fo. 132).¹

⁵ viz. those of Bishop William (Davis, *Regesta*, p. 148), Pope Gregory VII (Jaffé, *Regesta*, no. 5256), King William I (Davis, *Regesta*, p. 205), Archbishop Thomas I of York (Raine's *Historians of the Church of York*, Rolls Series, iii. 17-20), and Archbishop Lanfranc (Greenwell's *Feodarium Prioratus Dunelm.* (Surtees Soc.), pp. lxxv-vi).

⁶ Kemble, *Codex Diplomaticus*, no. xxv, and thence reprinted by Birch, *Cartularium Saxonicum*, no. 66. Kemble printed from MS. Dodsworth 9, fo. 8, which is a transcriber's copy of Dodsworth's own extract (MS. 120, fo. 82v) from the Charter Rolls of Richard II. Twysden had already printed the charter in *Decem Scriptores*, col. 57, from a considerably earlier (late twelfth century?) copy in Camb. Univ. Libr. MS. Ff. 1. 27, p. 186 b. Raine cites, from the fifteenth-century conventual register, a memorandum of the loan of the supposed original (*Saint Cuthbert*, p. 27, note).

⁷ *Scriptores Tres*, appendix ix.

Were this all, the result would indeed be disappointing, and the game of hunting the Red Book might well be voted not worth the candle. Although interest might attach to Wessington's compilation for the light it throws on Benedictine historical studies in the time of Henry IV, there would be no other reason for paying any regard to it. Fortunately, however, there is in Wessington's work a residuum for which we have not yet accounted; a series of historical passages, and a row of charters of the time of Ranulf Flambard¹ which do not come from any source remaining to us, and which may have come from a common source. Against one of the former are entered in the margin of the manuscript the words 'Ex libro summi altaris ecclesie Dunelmensis'. Consideration of what that mysterious book was, and what were its contents, will occupy our next section.

III. LIBER MAGNI ALTARIS

An account of the Book of the High Altar of Durham may fitly begin with the following extract from a private letter, included by John Gutch, formerly chaplain of All Souls, in that useful collection of forgotten information regarding things in general and his own college in particular, called *Collectanea Curiosa*.²

Having this opportunity, I am obliged to make request to you, on behalf of a Friend of mine in London, who mightily wishes a correspondence with you. He's of our County of Durham, and bestowed some pains in inquiring into the Antiquities of the County and Church of Durham; and in order thereunto has endeavoured to inform himself of all the Manuscripts now extant, which, before the suppression of Monasteries in

¹ The charters are nearly forty in number and occur in Wessington, cc. 57-9, 76-81, 86-9, 91. Seven are printed in Dugdale's *Monasticon*, new ed., i. 241-2. Notes of others are given in Leland's *Collectanea*, ii. 385, 389. See also Gutch, *Collectanea Curiosa* (1781), ii. 135. I hope to find other opportunities of publishing this register of Ranulf Flambard.

² ii. 113, from Carte MS. 193, p. 41 (a transcript of about 1750). See also p. 103. The very interesting outline of a projected county history of Durham, in which this passage occurs, can be accurately dated between 14 June 1702 and 21 September 1703; for Dr. William Nicholson was already bishop of Carlisle (*op. cit.* p. 101), and John Spearman, antiquary and under-sheriff of Durham, was still living (pp. 107-8). Madox's *Formulare Anglicanum*, which came out some time in the course of 1702, is mentioned as a new book (p. 118). The writer was a lawyer in London, of Durham origin, and mentions the fact that he is at present engaged in a suit on behalf of the earl of Derwentwater (p. 126). There is little doubt that he was James Mickleton, the younger, of Gray's Inn, of whom a brief notice is given in Gough's *British Topography*, i. 329. The person addressed was also a Durham man but no longer living in that county. We may conjecture him to be Thomas Baker, 'socius ejectus' of St. John's College, Cambridge. Baker was born at Crookhall and educated at the free school of Durham, and was subsequently domestic chaplain to Lord Crew and rector of Long Newton. See the memoirs of him in Nichols's *Literary Anecdotes*, v. 106-17, and in Surtees, *History of Durham*, ii. 353-7.

Hen. VIII time, belonged to the Church, and been since dispersed into several hands and places throughout the Kingdom ; whereof he has found many in the Cotton Library at London, and the Bodleian Library at Oxford, and other our publick Libraries here, which he has carefully searched with those at Durham. But there are several famous Books that he meets with some dark account of, but cannot find out the Books themselves ; particularly one which used to be called *Liber Summi vel magni Altaris*, which was an old Book containing the original Endowments of the Church of Durham, both in the Saxon time and since the Conquest ; which used to be chained upon the high Altar, and opened with a lock and key on solemn occasions. This Book, in respect of the Charters and Privileges contained in it, was subscribed by many of the Kings of England, as also by many Popes and Cardinals, and upon those occasions been frequently carried to Rome ; and he heard it was now in the Vatican or some of the other publick Libraries in Rome, together with several other ancient Histories and Manuscripts relating to the Antiquities of our native place. I question not, Sir, but the respect and affection you still bear to the remembrance of Durham and your County friends may incline you to a scrutiny about those matters, and help to redeem its Antiquities, which I know you are capable of ; as also to supply the defects of our Durham History, which labours under great difficulties from the time that Saint Bede writ his History, with the lives of Saint Cuthbert and the Abbot[s] of Garroë and Wearmouth, which was about the year [blank] till the time of the Conquest, an. 1066.

The nameless friend was a person of considerable historical perspicacity. We shall see that he derived the solid part of his information regarding the Book of the High Altar from a perusal of Wessington.¹ The rest, we fear, is imaginative embroidery.

Wessington's appendix contains ² a series of extracts 'ex libro magni altaris' or, as it is styled on one occasion, 'in libro super magnum altare ecclesie Dunelmensis ligato'. The same passages are recognizable in the text of Wessington's history, into which they have been woven without indication of the source whence they were derived. They also reappear in a notarial instrument entered in the conventual register and thence printed in *Scriptores Tres*.³ This instrument was drawn up, under Prior

¹ Manuscript C of Wessington is itself referred to later on, in the treatise from which the foregoing extract has been taken, as 'our historian Reginaldus, in his *Historia Major Dunelm.* now remaining in the Cottonian Library and nowhere else' (*op. cit.* p. 135). The mistaken ascription of authorship is due to that unfortunate single leaf of Reginald which has got bound up between Wessington's history and his appendix : see the description of C, above.

² C, fos. 92^v-95.

³ Appendix no. ccv. Another copy, damaged by fire, occurs in Cott. MS. Vitell. A. ix, fos. 77-81, headed 'De origine libertatis regie ecclesie et episcopatus Dunelmensis ac primaria donacione totius terre inter Tynam et Tesam'. The document is entered, as no. 14, on the previously mentioned list of Prior Wessington's works : *Scriptores Tres*, p. cclxx.

Wessington's direction, on 6 April 1433. The notary sets out, with all due formality, how

Reverendus et religiosus vir, dominus Johannes Wessyngton, Prior dictae ecclesiae cathedralis Dunelmensis, quemdam librum ab antiquo ad dorsum dicti summi altaris cathena ferrea ligatum, et super dictum altare positum, cathena ferrea cum sera clausum, manu sua propria cum clavi aperuit; in quo libro, circa medium eiusdem, diversa scripta, de manu, ut apparuit, valde antiqua, statum dictae cathedralis ecclesiae, ut assererat, concernencia, sana, integra, non cancellata, non rasa, non abolita, nec in aliqua sui parte viciata seu corrupta, sed omni vicio et auspicionem sinistra carencia, ut prima facie apparebat, michi notario et testibus infrascriptis ibidem exhibuit et monstravit.

He then gives an exemplified copy of three passages taken from different parts of the book. The conclusion of the second, and the whole of the third, passage are common to the notarial instrument and to the extracts in Prior Wessington's appendix.

Further light is probably thrown on the Book of the High Altar by a list of relics of St. Cuthbert drawn up in 1383. The list includes five gospel-books, the second of which is described as 'Textus evangeliorum, ornatus auro, cum crucifixo deaurato, cum multis evidenciis et munimentis'.¹ The description of it seems to indicate that it served as a chartulary, and the use of a gospel-book for such a purpose is itself indicative of antiquity, perhaps even of pre-Conquest origin. If, as seems probable, the Book of the High Altar is to be identified with the *textus evangelicus* of the 1383 list of relics, it follows that it was a gospel-book which had been used, perhaps from the eleventh century, for the insertion of documents and historical memoranda relating to the see of Durham.

The only book known from other sources to have lain upon the high altar of Durham is the Durham Liber Vitae. A well-known passage in the *Rites of Durham* describes how

There did lye on the high altar an excellent fine booke verie richly covered with gold and silver, containing the names of all the benefactors towards St. Cuthbert's church from the first originall foundation thereof, the verie letters for the most part beinge all gilded, as is apparent in the said booke till this day.²

The Liber Vitae contains a number of historical memoranda, and a few deeds, of the late eleventh and early twelfth centuries. The Book of the High Altar had similar contents. A list of towns in Allertonshire granted to Durham by William Rufus is quoted in Wessington's history 'ex libro summi altaris', and the list is found, *totidem verbis*, in the Liber Vitae.³ The Liber Vitae

¹ *Durham Account Rolls*, p. 432.

² Surtees Soc., 1903, p. 16.

³ Surtees Soc., 1841, p. 77. The passage may have been copied, after all, from

has prefixed to it a set of lections from the gospels, and so might perhaps qualify for the description 'textus evangelicus'. But here the similarity ends. The absence from the Liber Vitae of all passages known to have been contained in the Liber Summi Altaris, with one solitary exception, cannot be satisfactorily explained by the loss of leaves. One is forced to the conclusion that there were two separate books kept on the high altar, and that the book singled out by Wessington as Liber Summi Altaris is untraced, and presumably has perished.

Fortunately there is good material for the reconstruction of what was perhaps the most important feature in the lost book. When the extracts in Wessington's appendix and those given in the notarial instrument of 1433 are put together, they are found to compose a chronicle of the see of Durham down to the time of William the Conqueror. This chronicle is again recognizable in a series of entries relating to Durham written in the margins of a thirteenth-century Brute chronicle now in the Cottonian collection (Julius D iv).¹ Certain passages are found embedded in a history of the church of Durham to 1083, copied by Thomas Rudbourn into his *Historia Major* out of a book of the privileges of that church which Bishop Robert Neville (1438-57) lent him.² And the chronicle is the basis of the final chapter of the twelfth-century *Brevis Relatio de Sancto Cuthberto*.³ It is the 'antiquissima chronica' of the Lawson manuscript of the Life of St. Cuthbert,⁴ the 'cronica monasterii Dunelmensis' of manu-

the Liber Vitae, and the reference be to the similar (though not identical) list in the Liber Summi Altaris printed below at p. 527.

¹ This chronicle is deserving of considerably more attention than has been paid to it, for it is the original source of the earlier part of Robert of Greystane's history of Durham. Let it here suffice to say that for the period down to the Conquest (fos. 1-45) Durham entries are confined to the marginalia. From 1066 to 1285 (fos. 46-118) it becomes increasingly a Durham chronicle, but down to Pudsey's death in 1194 it seems to be entirely borrowed from known sources. Fos. 72^v-118 cover the period of the earlier part of Greystane's work, and the narrative becomes increasingly full, especially for the period 1272-85. Scattered entries for 1292-1307 occur in various hands on fos. 119-21, and fos. 122-4 are occupied by brief annals for 1274-1329 in another hand. Dr. R. K. Richardson has utilized the narrative of the years 1283-5 in his paper on 'The Bishopric of Durham under Anthony Bek' in *Archaeologia Aeliana*, 3rd series, ix. 89 *seq.*

² 'Ista quae hic scripsi de Dunelmensi ecclesia habui in libro privilegiorum eiusdem ecclesiae ex accommodatione M. Roberti Nevyle, Dunelmensis episcopi' (Wharton, *Anglia Sacra*, i, p. xxviii, cf. p. 257). Bishop William Nicholson noted that this Durham history contained 'some remarkable passages never yet printed' (*The English Historical Library* (2nd ed., 1714), p. 128), and these are the passages traceable to the Book of the High Altar. Apart from them, the history is a conflation of Bede and Symeon, and was for that reason omitted by Wharton from his edition of Rudbourn.

³ *Symeon of Durham* (Surtees Soc. ed.), i. 230-3. Mr. Hodgson Hinde is mistaken in saying that the chapter does not occur in Cott. MS. Nero A. ii. It does, at fo. 105^v; also in Harl. MS. 4843.

⁴ Brit. Mus., Add. MS. 39943; printed in Raine, *Hexham Priory* (Surtees Soc.), vol. i, appendix, p. vii.

script B of Wessington,¹ and perhaps the 'chronica feretri S. Cuthberti' mentioned by Leland.²

The reconstituted text of the chronicle may now be set out. It is taken from the following sources :

- M. Marginalia in Cott. MS. Julius D. iv.
- N. Notarial instrument printed in *Tres Scriptores*, pp. ccxxviii–ccxxxi.
- R. Rudbourn's *Historia Major* (Lambeth MS. 183).
- S. Summary in *Brevis Relatio*, c. 38, printed in *Symeon of Durham* (Surtees Soc. ed.), pp. 230–3.
- W. Wessington's appendix, Cott. MS. Claud. D. iv.

Passages considered interpolations in, or additions to, the original chronicle are given within square brackets. Sentences common to the chronicle and to Symeon's *Historia Dunelmensis Ecclesiae* are printed in italics.

[Cronica Monasterii Dunelmensis.]

. . . omnes terras liberas et quietas ab omnibus redditibus et serviciis regalibus ita liberas sicut habuit in sua propria manu dedit.³ Confirmavit autem regali auctoritate que pater suus Oswiu dederat, scilicet ea que iacent iuxta fluuium Bolbende. Insuper omnium hominum consensu imperpetuum statuit ut quisquis successorum suorum vel quicumque alii 5 sancto Cuthberto deinceps terram darent, cum omni honore et pace et libertate perpetualiter possiderent.⁴ Post hunc *Ceuowlfus Rex thesauros regios et terras Breiesne et Wer[c]uutha cum suis appendiciis, et ecclesiam quam ipse ibi edicauerat, et iiij villas Wudecester, Witingham, Eaduluingham et Egguluingham sancto Cuthberto* similiter contradens, relicto regno, anno 10 Domince incarnationis DCCXXXviiij secularium habitum deposuit, et, *accepta tonsura, in Lindesfarnensi monasterio* monachus effectus est.⁵ Hec quidem donacionis confirmacio Christianorum regum temporibus inuiolata et conseruata permansit usquequo, occisis nobilibus et ignobilibus, religiosis et clericis, monachis et laicis et utriusque sexus etatibus, 15 a pagano rege Halden eiusque exercitu terra deuastata est.

Anno ab incarnatione Domini octingentesimo septuagesimo quinto,⁶

¹ fo. 19v.

² *Itinerary*, ed. Toulmin Smith, v. 131.

³ Lines 1–16 occur only in M, fo. 27. There is therefore no direct evidence that they formed part of the chronicle, but the paragraph furnishes a necessary introduction to what follows. It is imperfect, for the top line of the page has been cut off by the binder. The subject of the sentence is Egfrid. The preceding marginal note in M records the gift to the church of Lindisfarne by Oswiu of the estate described in the *Historia de Sancto Cuthberto*, § 4 (*Symeon of Durham* (Rolls Series), i. 199).

⁴ This is a genuine privilege of uncertain origin. The copy of the *Historia de Sancto Cuthberto* in the Red Book (fo. 159) concluded with a passage, not found in the printed text, ascribing it to King Guthred: 'Proinde rex, tantis Dei magnaliis exhilaratus, exercitu suo collaudante, hanc sancto legem constituit confessori Cuthberto, ut si quis ei terram daret, vel si pecunia ipsius aliqua terra emeretur, nullus ius aliquod super eam haberet preter eum; set cum saca et socna, cuiuscunque prius esset, sua postmodum perpetuo foret; et siquis quoquomodo infringere moliretur, eterno anathemate damnetur.'

⁵ Cf. *Symeon*, i. 47.

⁶ Lines 17–50, M, N; lines 24–44, R; lines 45–7, S.

- Halfeden*, sumpta tertia parte exercitus Paganorum, qui totam Angliam occupaverat, multa cum classe *Tinam* ingrediens, circa *Tynemuth* applicuit.¹
- 20 Unde prosiliens flamma et ferro in exterminium omnia duxit, sed non impune. Nam cum insaniam mentis gravissimus corpus eius invasit cruciatus. Unde etiam foetor exhalans intolerabilis omnibus Anglis et Danis eum reddidit exosum. Contemptus ergo ab omnibus cum tribus tantum navibus de *Tina* profugit, nec uspiam postea apparuit.² Inter hec, Anglis et Danis
- 25 in unum populum compaginat, cum regimen regale deesset, beatus *Cuthbertus* cuidam Abbati, nomine *Eadredo*, valde religioso, per sompnum astitit; eique precepit omnibus dicere, quatinus *Guthredum*, *Hardecnuti* Regis filium, qui a Paganis captus atque in Angliam traductus, cuidam vidue apud *Huityngnam* fuerat ab eis in servum venditus, hunc, dato
- 30 vidue digno redemptiois precio, Angli et Dani in regem eleverent. Qua visione manifestata, illico omnes perquisitum iuvenem regium servum inveniunt, moxque, iusto redemptum precio, in loco qui dicitur *Oswiesdun* omnes in Regem unanimi favore sustollunt.³ Qui liberatori suo beato *Cuthberto* vicem rependens, pacem, sicut ipse sanctus ei per predictum
- 35 Abbatem mandavit, ad refugium miserorum qui ad illius corpus confugerint instituit; et quicumque pacem illius infregisset, ita ei, quemadmodum *Regi*, emendaretur, sua pace infracta, videlicet ad minus mille ducentis oris. Leges quoque ipsius, et que proprie Sancti *Cuthberti* dicuntur consuetudines, imperpetuum servandas instituit. Tunc quoque,
- 40 precipiente ipso sancto per memoratum Abbatem, Rex totam terram inter *Weor* et *Tynam* donavit ipso Sancto, ad subsidia illorum qui ei serviebant et servituri essent. Cui scilicet predictae terre adiecerunt, tam ipse *Guthredus* quam *Aelfredus* Rex Australium Anglorum, terram inter *Tesam* et *Weor*, in augmentum Episcopatus beati *Cuthberti*. Nam multo ante
- 45 defecerant Episcopi *Haugustaldensis* ecclesie. Per quinquaginta enim quatuor annos ante devastacionem provincie *Northumbrorum* sedes ibidem episcopalis cessaverat. Hec statuta et has donationes duo Reges, *Aelfredus* scilicet et *Guthredus*, cum consensu totius populi statuentes firmaverunt, et quicumque ex hiis aliquid presumpserit infringere, perpetuo illum
- 50 anathemate dampnarunt.⁴

[Post hec regum decreta et statuta⁵ episcopi apud Sanctum *Cuthbertum* *Haugustaldensem* ecclesiam et ipsius ecclesiae pertinencia ad suum ordinaverunt placitum, suosque ibidem presbyteros constituerunt et prepositos. Aldunus enim *Dunelmensis* episcopus constituit ibidem prepositum suum *Tein Collanum* filium *Edredi*. Alduno succedens in episcopatu Edmundus constituit *Tein Wkillum* filium *Arkilli* predecessoris sui. Hoc tempore regnante *Knutone*, *Alfricus* *Wintoniensis* ecclesie prepositus assumitur in presulatum *Eboracensis* ecclesie. Is primum queritur contra *Dunelmensem* episcopum Edmundum quo iure ipse *Haugustaldanam*

60 ecclesiam possedisset, quem suus antecessor *Wilfridus* tanto tempore ante

¹ Cf. *Symeon*, i. 56.² Cf. *ibid.* i. 68, 203.³ Cf. *ibid.* i. 68-9, 203.⁴ Cf. *ibid.* i. 69-70.⁵ Lines 51-81, M, fo. 28; lines 56-8, R. The passage interrupts the historical sequence of the chronicle, and has all the signs of being an interpolation of the time of Henry I. The existence of such a passage is, however, confirmed by N ('quibusdam interpositis').

habuisset. Cui Edmundus : ' Hunc ', inquit, ' locum a meis ad me antecessoribus transmissum teneo, nec de meis manibus suffragante iusticia umquam dimittam. Nulla hactenus oborta de hac re contencio inter tuos meosque predecessores movit calumpniam. Quod autem dicis locum illum olim fuisse beati Wilfridi, satis notum est legentibus Historiam Anglorum 65 quod, translatis ad celestia Aidano et Finano, Colmanno quoque patriam reverso, Lindisfarnensibus episcopis, Cedda eciam cum tribus annis rexisset Eboracensem ecclesiam ad monasterium suum de Lestingham reverso, solus Wilfridus pontificatum gesserit totius provincie Northanhimbrorum. Quo tempore ecclesiam Sancti Andree in Haugustaldesham ipse construxit. 70 Set illo postmodum ab episcopatu expulso, certis terminis parrochiarum utraque a beato Theodoro, ecclesia Eboracensis scilicet et Haugustaldensis, ita est divisa ut ab illo tempore usque in presens Haugustaldensis omnino libera fuit a dominatu Eboracensis ecclesie. Denique Bosa, qui in loco Wilfridi substitutus est Eboraci, nullo private potestatis iure super Eatam 75 primum Haugustaldensis ecclesie episcopum exercuit prelacionem. Iste Wilfridus, ad ecclesiam suam, scilicet Eboracum, de exilio reversus, nihil iuris a beato Johanne qui tunc, defuncto Eata, Haugustaldensem regebat ecclesiam, repoposcit; nec postmodum Johannes, ad Eboracensem translatus ecclesiam, aliquod dominandi ius a Wilfrido tunc ibidem existente 80 exigebat.' ^{1]}

Quo Aelfredo defuncto,² Edwardus filius eius regno succedens, ut a patre premonitus fuerat, sanctum Cuthbertum eiusque ecclesiam maxime honorans, ipse quoque donaria multa largitus, leges eius et privilegia confirmavit. Huius filius Ethelstanus, tocius Anglie rex effectus, anno 85 Dominice incarnationis dcccc^{mo} xxx^{mo} v^o, cum contra Scotos pugnaturus *Scociam tenderet cum tocius Britannie exercitu, sancti Cuthberti patrocinia et suffragia* quesivit, eique multa donaria regali liberalitate contulit³ in auro et argento, palliis et cortinis et magnis campanis et diversis aliis preciosis ornamentis. Villam quoque que Suth Wermutha dicitur, quam 90 pravorum malignitas ab ecclesia multo ante abstulerat, cum suis appendiciis, id est Ufferton, Westou, Selceswurtha, duas Refhopas, Birdene, Seaham, Seatun, Daltun, Daldene, Hesildene, ecclesie reddidit; et duas quas in brachiis portabat armillas postremo dedit,⁴ dicens ' Hec volo ut omnibus post me futuris sint in signum me sanctissime Dei genitricis 95 Marie et dilectissimi patroni mei sancti confessoris Cuthberti ecclesie firmas leges et perpetuam libertatem, secundum quod antecessores mei fecerunt, anathemate interposito, mente devotissima constituisse '.

¹ Wessington quotes Bishop Edmund's letter in his History, and adds several other sentences. He then continues the historical narrative as follows : ' Defuncto eciam Edmundo episcopo, Egelricus ei succedens constituit in Haugustaldesham propositum Wilkillum filium Yluynge. Egelwinus post Egelricum eundem propositum ibi constituit. Et episcopi sancti Cuthberti dictis episcopis succedentes dictam ecclesiam Haugustaldensem cum suis pertinenciis tenuerunt usque ad tempus Ranulphi episcopi Dunelmensis et Henrici Regis primi. At tunc orta inter ipsum Regem Henricum et Ranulphum episcopum Dunelmensem contencio non parva. Pulsus est idem Ranulphus ab episcopatu, et Rex contulit Haugustaldesham ecclesie Eboracensi.' The whole passage should be compared with that printed from the Lawson manuscript in Raine's *Hexham Priory*, vol. i, appendix, pp. vii-viii.

² Lines 82-115, N; lines 85-115, M, fos. 34^v, 35^v; lines 103-15, W, fo. 94.

³ Cf. *Symeon*, i. 75.

⁴ Cf. *ibid.* i. 211.

Defuncto post hoc Ethelstano, Eadmundus frater eius in sedem regni
 100 exaltatus, cum ipse quoque Scotorum pertinaciam, qua regni sui partes
 infestabant, reprimere cum exercitu properaret, ad ecclesiam sancte Dei
 genitricis Marie et sancti confessoris Cuthberti cum multiplicibus et pre-
 ciosis, ut regem decebat, muneribus, Dunelmum venit, et humiliter ante
 sanctissimi corporis sepulcrum genibus incurvatis, armillas duas et ipse
 105 a brachio suo extrahens,¹ ut vulgo dicitur, mid fullom indome,² et wrec
 et wite, utter et inner, et saca et socne, id est cum plenis legibus et
 quietudinibus, super sepulcrum obtulit, terribili malediccione feriens omnes,
 si qui forte vel sua vel antecessorum suorum privilegia huic ecclesie collata
 aliquo modo violare presumpsissent. Hic anno Dominice incarnationis
 110 DCCCCXLVIII^o temporalem vitam eterna commutans, Edredum fratrem
 regni heredem reliquit, virum pietatis cultorem et iustitie. Qui eciam,
 sicut et fratres eius, ecclesiam sancte Dei genitricis Marie et sancti Cuth-
 berti, firmata lege et libertate predecessorum suorum, regia munera
 offerens visitavit, et full indome super sancti Cuthberti sepulcrum manu
 115 propria donavit.

Hic postquam de hac vita decessit,³ filius fratris sui Edmundi qui ante
 eum regnaverat, nomine Edwi, regnum suscepit. Hic maligne mentis
 homo, omnibus odiosus, multis malis que fecit hoc adiecit, quod sanctum
 Dunstanum, eo quod de incestu eum corripuit, a tocius Anglie finibus
 120 expulit. Quibus malis omnes a fluvio Humbrie usque ad Tamisiam contra
 Edwium offensi, ultra Tamisiam eum fugaverunt, et fratrem suum iuni-
 orem, nomine Eadgarum, bone indolis iuvenem, pro eo sibi regem fecerunt;
 qui postea, mortuo fratre Edwio, eciam super illas partes ubi ille ultra
 Tamisiam fugatus regnaverat, omnium eleccione regnum obtinuit. Hic
 125 Eadgarus cum multos annos feliciter regnasset, filio suo Edwardo qui in
 Scefesbery iacet, regnum moriens reliquit. Qui in brevi novercali fraude
 occisus, Ethelredum fratrem regni successorem habuit. Hic ecclesie sancte
 Dei genitricis et sancti Cuthberti *Dernington cum omnibus suis appendiciis*
 donavit et reddidit. *Stir*, unus de melioribus suis, emit terram quatuor
 130 carucarum in Cingesclýffe, et quatuor in Cocerton, et quatuor in Halchune,
 et trium in Normanneby, et duarum in Ceatton, et duarum in Lumelea,
 cum saca et socne, et concessione et testimonio Regis, et Ealurici *Eboracensis*
Archiepiscopi, et Alduni Dunelmensis Episcopi, et omnium prin-
 cipum, sancto Cuthberto dedit et reddidit.⁴ *Hiis donariis alias terras*
 135 *eterno iure possidendas Snaculf Cíkelli filius superaddidit, scilicet Bridbirig,*
*Mordon, Socceburg, Griseby, cum saca et socne.*⁵

Sunt autem nonnullæ terrarum possessiones quas Aldhunus Episcopus,

¹ Cf. Symeon, i. 212.

² These words were reproduced, evidently from Wessington, in an inscription below a figure of King Edmund in Durham choir (*Rites of Durham* (Surtees Soc. ed., 1903), p. 137). *Indome* is not a word otherwise known, but it seems unnecessary to read *freadome* with Mr. Plummer (*op. cit.* p. 294). The sense appears to be 'with full authority (or jurisdiction) within the lands of the see'. For the form of the expression one may compare the phrase 'se de hit ahte mid fullan folcrihte' of an eleventh-century formula printed in Liebermann, *Die Gesetze der Angelsachsen*, i. 400.

³ Lines 116-78, W, fo. 94; lines 117-24, 129-34, 148-68, 163-78 = M, fos. 36, 37, 41^v, 43; lines 116-27, 148-52, 168-75, summarized in S.

⁴ Cf. Symeon, i. 83, 212.

⁵ Reproduced verbatim in Symeon, i. 83; cf. p. 213.

sui temporis Comitibus Northanhimbrorum, dum neccessitatem paterentur, ad tempus quidem prestitit; sed violencia Comitum qui eis successerunt pene omnes eas a dominio ecclesie alienavit. Quarum quedam hic nominatim 140 ponuntur: Geyenforde, quam Egredus Episcopus condidit Sanctoque Cuthberto donavit; Cueornington, Sliddevesse, Bereford, Stredford, Lirtyngton, Marawuda, Stantun, Strellea, Clellinga, Langadun, Mortun, Persebrige, Alclit ii, Copland, Weardsetle, Bincestre, Cuthbertestun, Ticcelea, Ediscum, Wudetun, Hunewic, Neowatun, Helma. Hec omnia fuerant ecclesie, que 145 dum prestans indigentibus prerogaret beneficium, suarum rerum passa est dampnum.

Deinde Cnut, regno Anglorum potitus, multo venerabatur honore ecclesiam sancte Dei genitricis et sancti Cuthberti, in tantum ut nudis pedibus per quinque miliaria incedens, a loco qui Garmundi via dicitur, 150 unde primum de suth venientibus Dunelmum videri potest, ad sepulcrum incorrupti corporis beati patris Cuthberti veniret, et ei suisque servitoribus mansionem Staynedroppe, cum omnibus suis appendiciis, scilicet Cnappe-tune, Scottune, Raby, Wakerfeld, Hefenwuda, Alclit, Luteryngton, Elle-don, Ingeltune, Thiccele et Midilton,¹ libere et quiete imperpetuum 155 possidendam donaret et redderet, sicut ipse eam habuit in sua propria manu, ita quietam et liberam. Has quoque terras quas sanctus Cuthbertus ex antiquorum regum et principum tradicionem in Everwicshire habuerat, scilicet Segger, Horbodyby, Hoton, Hograve, Norton, Suth-ton, Hulm, Throp, Eueneton, Foxton, Gryssiby, Dicton, Neowiton, Osmunderle, 160 Herleseie, Alrebec, Siggeston, et ecclesiam de Cucewald terraque adiacente, et ecclesiam de Smittona cum duabus carucatis terre, et ecclesiam de Gressiby [confirmavit],² tribuens de suo proprio supradicte ecclesie villam

¹ Cf. *Symeon*, i. 213.

² This list of Yorkshire lands of St. Cuthbert confirmed by King Cnut agrees, except for its omission of Craike, with the list in the *Liber Vitae* (Surtees Soc. ed., 1841), p. 76. See the conspectus of the latter list and of the Domesday survey in *Farrer's Early Yorkshire Charters*, ii. 270. The places named are:

(1) Sessay with its sokeland in Hutton Sessay. Both places are in the Domesday wapentake of Gerlestre. Segger is a misreading, perhaps for Sezzei.

(2) The manor of Hutton Conyers, with its soke in Howgrave, Norton Conyers, Sutton Howgrave, Holme, and 'Thorp', all in Hallikeld wapentake.

(3) The manor of Knayton (*for* Eveneton *read* Cheneueton) and its sokeland of Foxton, in the wapentake of Allerton.

(4) The manor of Girsby in the same wapentake, granted to Bishop Aldhun by Snaculf son of Cytel in 1002-16 (*Hist. de S. Cuthberto in Symeon of Durham*, i. 213; *Farrer, Early Yorkshire Charters*, no. 922). Girsby is in the parish of Sockburn. There is said to be no trace of any chapel there now, but a chaplain of Girsby occurs in a deed of 1326 (*Victoria History of Yorkshire, North Riding*, ii. 454).

(5) Deighton manor in the wapentake and parish of Allerton.

(6) Neowiton occurs in the *Liber Vitae* list as Niwetune. Comparison with the Domesday survey shows that the place referred to is Winton, another manor in Allerton.

(7) The lands in Osmotherley, West Harlsey, and Ellerbeck, all in Allerton wapentake, were, at the time of the Domesday survey, held by the king's thegn Ligulf. It follows that St. Cuthbert had lost his soke over them.

There is no other evidence of the bishops of Durham having held the advowson of Coxwold and Great Smeaton. The former church was granted in 1145 by Roger de Mowbray to his foundation of Newburgh.

que Bromtune vocatur, que viginti quatuor carucatas terre tenet. Hec
 165 omnia, cum saca et socne et plena libertate et quietudine donavit, et ipse,
 cum Edmundo tunc illius loci Episcopo, omnes, qui hec infringere vel
 auferre vel minuere presumerent, excommunicavit et excommunicando in
 die iudicii maledictis in ignem eternum discessuris associavit.

Post hunc, *filius Ethelredi et Emme, piissimus Rex Edwardus*, primo
 170 regni sui anno, monachum quemdam de Burch, nomine Egelricum,
 Dunelmensis ecclesie episcopum constituit. Hic, cum per aliquot annos
 episcopatum regeret, videns se nullum aliunde auxilium habere, nec per
 se malignorum hominum violencie, qua ecclesie libertatem infestabant et
 infringebant, posse resistere, malens episcopatum relinquere quam propter
 175 suam imbecillitatem ecclesie libertatem et quietudinem deperire, ad
 monasterium proprium rediit et sine episcopatu vitam finivit. Et
 omnes hii, qui contra sanctum Cuthbertum se forisfecerunt, malo fine
 perierunt.

Defuncto piissimo rege Edwardo,¹ cum gloriosus ac potentissimus Rex
 180 Willelmus, interfecto Haroldo, totius Anglie monarchiam obtineret, anno
 Dominice incarnationis millesimo LXXIII^o, sui autem regni anno octavo,
 versus Scociam, omnes regni sui procures visurus, et si qui forte rebelles
 essent sibi subditurus, cum magno exercitu properavit. Itaque Dunelmum
 veniens, ecclesiam sancte Dei genitricis et sancti Cuthberti confessoris Deo
 185 dilecti cum magna devocione oraturus intravit. Cui, sciscitanti de vita
 et miraculis sancti confessoris, et de antiquitate et origine episcopatus,
 hii qui antiquiores et prudenciores erant in ecclesia, sanctum Regem
 Oswaldum, accito de Scocia sancto et venerabili viro Aidano Episcopo,
 sedem episcopatus in Lindisfarnensi insula primitus instituisse et illi
 190 dedisse dixerunt. Referebant eciam quomodo Rex Egfridus et Theodorus
 Archiepiscopus sanctum Cuthbertum invitum solitariam vitam relinquere
 et episcopatum suscipere compellebant, et quanta veneracione ab eodem
 rege dum vixit semper habebatur, et a subsequentibus Christianis regibus
 post mortem quantum diligebatur et honorabatur, qui ecclesiam ipsius
 195 et ea que antiquitus adiacebant regali libertate augmentare et sua auctori-
 tate, ut in perpetua libertate et quietudine permanerent, defensare stude-
 bant. Et hec et alia multa rex audiens, ac insita sibi sapientia pertractans,
 marcam auri et preciosum pallium super sepulcrum incorrupti corporis
 sancti patris Cuthberti, ut erat largi cordis, offerens, 'omnia', inquit,
 200 'que mei antecessores huic ecclesie sancte Dei genitricis et sancti Cuthberti
 confessoris in terris et legibus et libertate et quietudine contulerunt, tanto
 firmitus et stabilius a me meisque heredibus et successoribus servari volo
 et discerno, quanto me meosque heredes et successores omnibus pre-
 cedentibus regibus dignitate et iusticia precellere cupio; et hec propria
 205 manu cum hoc auro et pallio imperpetuum servanda tribuo'. Ipse quoque
 Waltham, cum omnibus suis appendiciis, cum saca, socne et omnibus
 legibus et quietudinibus, libere sicut ipse eam habuit in sua propria manu,
 sancte Dei genitrici et sancto Cuthberto et Walchero Episcopo in episco-
 patus augmentum donavit.

¹ Lines 179-209, W, fo. 94^v; lines 179-204, N; lines 182-206, M, fo. 49; lines 182-204, R; summary in S.

[Idem eciam Willelmus Rex predictus¹ dedit sancto Cuthberto et 210
Episcopo Walchero successoribusque suis imperpetuum, liberas et quietas
possidendas, has terras in Lindeseie, scilicet Brotulby, Snardesford, Ber-
lynge, Blyburgh, Brathel, Cresby, Fugeleston, Neutona, Bolintona, Harde-
wyc, Langetona, Wispinctun, Waldyngurde, Circeby, Mortona, Thorp,
Couenham, Scitebrok, Foreby, Endreby, Radeby, Spylesby, Iresby, Torp, 215
Hundelby, Estrecale, Totintune, Germundtorp, Caditon, Crohintun, Gun-
fordeby, Neutona, Pycheurde, Brezby, Cheleby, Euedune, Rosby et alter
Rosby, Alesby, Rauenedale, Biscopetore, Tore, Srenbi, Asceby, Horetorp,
Wenflet, Caceby, Salfateby, Welletona, Hage et Calesby, Brunetor[p],
Slodeby, Fulloby, Oxetun, Wuluriceby, Trycougham, Heresby, Greyby, 220
Gredby. Hec omnia libera et quieta dedit, sicut ipse habuit in sua propria
manu.]

Willelmo quoque episcopatum tenente,² adiecit idem Rex Willelmus
Wealletune et Houedene, cum suis omnibus appendiciis, cum saca et socne
et omnibus legibus et consuetudinibus, sicut in propria manu ipse habuit, 225
eidem Willelmo Episcopo omnibusque successoribus suis, libere imper-
petuum possidendas. Precepitque ut monachis in ecclesia sancti Cuthberti
Deo imperpetuum servituris, et pro anima sua et successorum eius oraturis,
idem Willelmus Episcopus daret in puram et perpetuam elemosinam omnes
ecclesias de eisdem terris quas ei ipse donaverat. Unde dictus Willelmus 230
Episcopus, in primordio quo terras sibi donatas accepit, ecclesias eorum
statim monachis donavit; videlicet ecclesiam de Houeden, cum omnibus
capellis et terris et pertinenciis suis; ecclesiam de Brentyngham, cum
omnibus capellis, terris et pertinenciis suis; ecclesiam de Welletuna,
cum capellis et terris et omnibus eius pertinenciis; ecclesiam de Walchin- 235
tuna, cum capellis et terris et omnibus pertinenciis suis; et ecclesiam de
Skyppewyth, cum omnibus terris et ceteris eidem pertinentibus.]

To what period is this chronicle to be assigned? The final
paragraph records grants made by William the Conqueror to
Bishop William Carilef in 1080-7, and the preceding paragraph
is recognizably taken from the Domesday Survey and conse-
quently cannot be earlier than 1085. But it seems likely that
these two paragraphs are additions to the original chronicle.
Their style is different, and they name the church of Durham
'ecclesia sancti Cuthberti', whereas in the earlier entries it is
given a dual dedication, and termed 'ecclesia sancte Dei geni-
tricis et sancti Cuthberti'. Still, even apart from these para-

¹ Lines 210-22, W, fo. 95. S has simply 'dedit et L mansiones in Lindesei'.
The passage is printed, with several misprints, from A, in Dugdale's *Monasticon*,
new ed., i. 238.

² Lines 223-36, W, fo. 95. S summarizes lines 222-6, and adds: 'Isto eodem rege
Willelmo laudante et concedente, Ædgarus rex Scotiæ donavit et reddidit sancto
Cuthberto et Willelmo episcopo in Lodoneio Berewic cum omnibus suis appenditiis;
et monachis in ecclesia Dunelmi Deo et sancto Cuthberto servientibus Coldingham,
cum suis omnibus appenditiis, sicut in carta continetur; quam ipse et fratres sui
propria manu signaverunt et firmaverunt.' The passage in W is printed from A in
Dugdale's *Monasticon*, i. 238, and thence, as 'probably from the lost Liber Rubens',
in Farrer's *Early Yorkshire Charters*, no. 974.

graphs, the chronicle cannot be earlier than the Conqueror's visit to Durham, that is, than the late autumn of 1072.¹ For it does not seem to be the work of several hands extending over a long period of years. Setting aside the passages marked as additions and interpolations, it shows a uniformity of style and of vocabulary,² and the same set phrases constantly recur. It was written, in short, at one time, and not before 1072.

The earlier portions of the chronicle exhibit obvious borrowing from the *Historia de Sancto Cuthberto*, a work extending to the reign of Cnut. Other passages have a close relationship with the *Historia Dunelmensis Ecclesiae* of Symeon of Durham. Symeon and the chronicle have whole paragraphs in common, and elsewhere the use of the same words and sentences proves that the writer of one was borrowing from the other. It therefore becomes important to determine whether the chronicle was compiled from Symeon and other authorities some time in the twelfth century, or whether it was a source from which Symeon wrote his history.

Comparison of the two narratives, e. g. in the account given of Guthred's privileges, where the chronicler gives the amount of *wite* paid for breach of St. Cuthbert's peace in Scandinavian *orae*, while Symeon translates it into *solidi*, cannot fail to leave the impression that the chronicle is the earlier and that Symeon is the borrower. The chronicler, in fact, is too independent for a twelfth-century compiler. His plain account of the Conqueror's visit is perfectly distinct from the miraculous episode detailed by Symeon. His view of Bishop Egelric's conduct is diametrically opposed to Symeon's, and is that of a partisan of the bishop. Inasmuch as Symeon's history imposed, so far as we know otherwise, a canon upon later Durham historians, it is against probability that a chronicle widely departing from it at certain points should be of later date.

There is more direct evidence for fixing the date of the chronicle. It was written, according to Wessington's notary, 'de manu valde antiqua'. That in itself might mean little, were it not supported by the twelfth-century writer in the Lawson Life of St. Cuthbert, who, after a brief account of the joint benefaction of Kings Alfred and Guthred, proceeds in the following words :

Et hoc statuerunt et firmaverunt cum consensu totius Angliae, sicut inveniri potest in antiquissima scriptura chronica [*sic*], et in fine decretorum suorum excommunicationis sententiam protulerunt in eum qui sua stabilita praesumeret convellere. Legat antiquam scripturam qui voluerit.³

¹ *Roger of Hoveden* (Rolls Series), i. 126.

² e. g. in the use of *donaria* for *dona*.

³ Raine, *Hexham Priory* (Surtees Soc.), vol. i, appendix, p. vii, from Brit. Mus. Add. MS. 39943, fo. 149v.

It may be said that this proves too much. Why should a late twelfth-century writer describe as ancient writing a manuscript which cannot have been written more than a century previously? Palaeography furnishes an answer. So far as we can tell, the Carolingian minuscule of the Continent had made little headway in the writing-schools of the north of England up to the time of the Norman Conquest, and had done little to modify the native 'insular' script. It may well be that the old-fashioned 'insular' hand continued in vogue at Durham down to the substitution of Benedictine monks for the unreformed canons of St. Cuthbert in 1083. It will then be easy to see how monks trained in the Benedictine scriptorium would regard the manuscripts of their immediate predecessors as 'ancient writing'.

Incidentally this argument provides a *terminus ad quem* for the composition of the chronicle. It is a work compiled by a member of the congregation of St. Cuthbert a few years before Carilef's reform; it can be dated between 1072 and 1083; and it is one of the main sources of Symeon's history.

One topic remains to be briefly discussed: what light is thrown by the chronicle on the origin of Durham palatinate. We are enabled to get behind Symeon, whose account of the privileges granted to the see is found to be compounded from the chronicle and the *Historia de Sancto Cuthberto*. The new evidence does not amount to much. Not more than forty years separated Symeon from the chronicler, and the account given by the latter does little more than represent the tradition current at the time at which he wrote. Still that in itself is not without its value. Another forty years separates the chronicler from the writer of the *Historia de Sancto Cuthberto*, and a comparison of the two narratives shows how tradition had shaped itself during the reign of the Confessor. The *Historia* recounts King Guthred's gift (c. 890) of the land between the Tyne and the Wear, and his establishment of sanctuary rights. The chronicler links Guthred with Alfred, and regards them as joint founders of the laws and customs of St. Cuthbert. These laws, he says, were confirmed by Athelstan (c. 934); and he gives a fuller account than is to be found in the *Historia* of the privileges accorded by Athelstan's brothers, Edmund (940-6) and Edred (946-55). It may be that he had access to charters granted by those two kings. Anyway, the grant of *indome* which he ascribes to them is our nearest approach to a definite grant of *jura regalia*.

Than this we can go no further. The results belie the hopes expressed by Raine that

This 'Red Book' . . . contained, as appears, copies of such grants to the See, from its earliest period, as are now sought for in vain; and

nothing can be more certain than that they would have tended to dispel the darkness which hangs over the early history of the Bishoprick, and would have given a rational account of the origin of franchises and privileges, which, in times of old, were exercised with judgment and mercy, to the great benefit of the Palatinate, were afterwards modified by the changes rendered necessary by the abolition of the feudal system, and which, in these our own times, have been totally abolished, under a very mistaken notion, that their exercise interfered with the performance of more important duties.¹

The Red Book turns out to contain a copy, and that not the most interesting copy, of the Durham history of Prior Wessington. The chief importance of Wessington's history lies in the fragments which it preserves of a chronicle contained in the lost Book of the High Altar. That chronicle can be reconstructed, largely from other sources than Wessington, and, though proving to be of later date and inferior authority than the *Historia de Sancto Cuthberto*, forms an addition to the eleventh-century historical literature of Durham.²

H. H. E. CRASTER.

¹ *Scriptores Tres*, preface, p. xix.

² I desire to express my thanks to the benchers of the Honourable Society of Lincoln's Inn for the loan of the Red Book (Hales MS. 114) for the purpose of comparison with the Laudian draft.

*The English Embassy at Constantinople,
1660-1762*

THE English embassy at Constantinople was first established in 1583 by William Harborne, an agent of the newly formed Levant Company, and this original connexion with the Turkey merchants continued to exercise a powerful influence upon its organization and its history until the dissolution of the company in 1825.

From its foundation the embassy necessarily had a dual aspect. It had originated in a commercial need, and down to the revolution of 1688 the ambassador remained primarily the chief agent of a great trading corporation. But the political motive was never entirely absent. Both William Harborne (1583-8) and his successor, Edward Barton (1588-97), had tried to persuade the sultan to join in the struggle with Spain, and Sir Thomas Roe (1621-8) succeeded in stirring up Bethlen Gabor of Transylvania against the Emperor Ferdinand, and in allying him with Christian of Denmark and the protestant princes of Germany. Moreover, if the ambassador was the agent of the Levant Company, he received his commission from the Crown, and half his prestige with the Turks was based upon the supposition that he represented the king of England and not a mere society of merchants. This dualism was reflected in the manner of his appointment, in his instructions, in the payment of his salary, in his own duties and in those of his subordinate officials, even in the powers with which he was endowed; and for nearly 250 years he and his staff had to attempt the difficult task of serving two masters whose interests clashed as often as they agreed.

In the early days of his existence the ambassador had been chosen by the sovereign from several names submitted by the company, and was usually a man who had already served as a secretary or merchant in Constantinople. But as the lucrative-ness of the appointment became better known, and its supposed dangers were discovered to be unfounded, the king began to resent the company's share in its disposal. In 1625, 1626, and 1633 Charles I, in spite of vigorous protests, forced his

nominees upon the merchants,¹ and although parliament in 1643 gave the company authority to appoint and remove its ambassador, the right was not ratified in the new charter which it obtained from the restored monarchy in 1661. Charles II accordingly reverted at first to his father's precedent of appointing to the embassy by the exercise of his royal prerogative. In the middle of his reign, however, as his popularity waned, he adopted a more gracious attitude, and a compromise was tacitly accepted by which the merchants petitioned to be allowed to offer their candidate for the king's approval, thereby recognizing his right, while he in turn granted the request, thus waiving the exercise of it.² This agreement ceased after the overthrow of the whigs, and Charles returned once more to his former practice of direct nomination, a course which his successor also followed.³ The Revolution again reversed matters, and the Levant Company regained for a short time its privilege of electing the ambassador. But the increasing diplomatic importance of the embassy when England became involved in a series of continental struggles with France soon forced the government to take back the appointment into its own hands, and from the time when William III sent out Harbord in 1691 the company was virtually deprived of its share in the choice of the ambassador, though the nominees of the Crown were still submitted to it for approval, and a *pro forma* election continued to be held. There was thus no definite and prescribed rule for the appointment to the embassy until the nineteenth century.

Each holder of the position received two distinct sets of instructions, one from the king and the other from the company. Those from the king were usually of a general nature until the events of 1688 brought the Porte more intimately within the scope of British foreign policy. They merely recommended the maintenance of good relations with all the other ambassadors and residents at Constantinople, the discovery of all negotiations and intrigues which were likely to disturb the peace of Christendom, and the regular transmission of reports to the secretary of state, who would in turn send out advice from home.⁴ The company's orders naturally related to the supervision and protection of trade and of the factors who lived in the Levant. Primarily the ambassador's duties consisted in the preservation of all those immunities and privileges which had been given to the company

¹ Sir Thomas Phillipps in 1625, Sir Peter Wyche in 1626, and Sir Sackville Crow in 1633.

² Sir John Finch (1672) and Lord Chandos (1680) were elected in this way.

³ Sir William Soames (1684) and Sir William Trumbull (1687) were both appointed directly by the Crown.

⁴ The ambassador always corresponded with the secretary for the southern province.

both by the sultans in their successive capitulations and by the English monarchs in their various charters. He had to watch over the company's interests, compose disputes which occurred among the factors, see that the company's monopoly was not infringed by interlopers, support its various regulations, and assist the treasurer in the collection of all rates which it authorized to be levied on its merchandise. Nor did his instructions end with purely commercial matters, for if any of the factors were 'addicted to gameing, drinking, or other scandalous course of life' he was bidden to try to reclaim them.¹ He had also to undertake the task of ransoming English slaves in Turkey, for which purpose money was frequently given or left to the company.

To fulfil these multifarious duties the ambassador was given a large measure of authority by the capitulations and charters. All the English in the Levant came under his jurisdiction. In disputes between any of them and a Turkish subject no appeal to the divan could be heard unless he was represented; while for all cases between the English themselves he was the final court of appeal. He had power to fine offenders against the law of England or the rules of the company, and to confine them to their houses. In extreme cases he could transport the culprit back to England for trial in the royal courts, though for more than a century before the dissolution of the company it had not been necessary to exercise this authority.² He was empowered also, with the consent of the treasurer and merchants of the factory, to levy any taxes or duties upon the company's goods which might be necessary for its services or to pay its debts.³

His salary was paid by the company, and not by the king. The amount, and method of raising it, had varied considerably in the early days of the company, but by 1660 it had become fixed at 10,000 Spanish dollars, or pieces of eight,⁴ paid quarterly out of the company's coffers. To this was added a yearly gratuity of 2,000 dollars, and a generous allowance (usually £300) was made towards the cost of the journey both out and home. Certain other perquisites were attached to the office, including a third share of all fines taken from those factors who transgressed the company's regulations, and of the extra 20 per cent. levied on goods which did not belong to freemen of the company. He also claimed all consulage collected at the English factories in the Morea and at Salonika. Moreover, every ambassador received a daily allowance in money from the sultan, though it was generally difficult to obtain on account of the corruption of the

¹ State Papers, Foreign Archives, Levant Co., 145: Instructions to Lord Chandos January 1680.

² *An Account of the Levant Co.*, 1825, p. 7

³ Roger North, *Lives of the Norths*, ii. 422.

⁴ The dollar was worth about 4s. 8d.

Turkish officials. Winchilsea complained that it had been cut down through the extravagance of the sultan and the peculations of his ministers,¹ and Paget found it 'more beneficial to the distributors than to the receivers'.² These various sources of remuneration did not exhaust the possibilities of the post. Men of rank and title competed for it because of the opportunity it offered of recuperating diminished fortunes. Winchilsea frankly admitted that he had accepted the embassy 'to no other end than to cleare my debts and advance the revenue of my estate';³ and Lord Chandos 'raised his estate considerably by it'.⁴ The money for this came from private transactions of various kinds. The ambassador in his articles with the company was always prohibited from trading, but this did not include trading in jewels or money, and profit could usually be made by buying and selling the former, and by speculations in the rates of exchange between the various currencies used in the Levant. A part of the large measure of wine which the ambassador was allowed to import annually free of duty could always be sold advantageously to other Franks, or to Turks who did not take the prohibitions of their creed too seriously; and a constant revenue was obtained from the sale of Barats, or patents of protection and exemption from the poll tax (given nominally for the personal retinue of the ambassador) to wealthy Armenians, Greeks, or Jews, who were ready to pay handsomely for them.⁵ For the unscrupulous there appear to have been other equally certain methods of gain, for Winchilsea asserted that 'any ambassador that is not an honest man (if that he be not a foole) may deceive the company in great matters, and all the witt they have, and theire factours, will never be able either to find it out or to prevent it'.⁶

From the time of the Restoration the ambassador's emoluments diminished steadily. When Lord Chandos was appointed the salary was reduced to 8,000 dollars per annum. In 1698 the company resolved to grant no equipage money in future, and two years later it ordered all payments to be made in Dutch lion dollars, which were of considerably less value than the Spanish pieces of eight. Sir Robert Sutton, who was then ambassador, complained that this had reduced his pay by one-third.⁷ It continued to drop rapidly during the next fifty years as the value of the dollar fell to 2s. 9d., and the cost of

¹ *Hist. MSS. Comm., Finch Papers*, i. 319.

² *State Papers, Foreign, Turkey*, 21, Paget to Blathwayte, 20 July 1699.

³ *Finch Papers*, i. 342.

⁴ *Hist. MSS. Comm., Portland Papers*, ii. 242.

⁵ This abuse was stopped by a clause in the treaty of the Dardanelles, 1809.

⁶ *Finch Papers*, i. 418.

⁷ *State Papers, Foreign, Turkey*, 21, Sutton to Nottingham, 23 April 1702.

living doubled itself, so that by the time of Sir Everard Fawkener (1735-42) the post had not only ceased to be a remunerative one, but it actually cost the ambassador more than twice his salary to live at all decently.¹ The company, whose trade was dwindling under the competition of the French, was unable to make good this deficiency, and the government still refused to recognize that it had any liability in the matter.

As early as the days of Winchilsea the question arose who was to meet debts incurred for the procuring of intelligence, the payment of messengers employed on state affairs, and of the cost of the ambassador's journeys to Adrianople, some of which were undertaken for purely political reasons. The company refused to shoulder the burden, and all Winchilsea's importunities to the king fell on deaf ears. Sir Edward Nicholas, the secretary of state, told him frankly 'there hath never used to be allowance given to any ambassador at Constantinople for intelligence, and that place is soe remote, as any intelligence from hence hither (it's conceived) can be of little use here'.² The question slumbered for the next twenty years, and the earl's successors, restricting themselves to the supervision of trade, were content to remain what he scornfully described as 'little better than a grand factor for the merchants'. After the Revolution the government so far acknowledged its financial obligation as to contribute towards the expenses of those ambassadors whom it sent out for the avowedly political purpose of mediating between the emperor and the Turks, and Hussey, Harbord, and Paget all received from the treasury a daily allowance while actually engaged upon the task of mediation, and the payment of their extraordinary expenses for equipment and travelling. This precedent was followed during the following century, but it obviously did nothing to help those ambassadors who were not employed on any mediation, nor did it solve the difficulties of paying for intelligence in normal times. The company maintained agents at Marseilles and at Belgrade and Vienna for the transmitting of letters, but both routes were slow and uncertain, the former because of the privateers and pirates who swarmed in the Mediterranean, the latter because the imperial government was in the habit of opening all correspondence, and if it was in cipher would sometimes reject or destroy it.³ Further than this the company refused to be bound for any expense, so that the ambassador was compelled to rely on a means of communication which usually took five months, and frequently longer, to obtain a reply. It

¹ *Ibid.* 31, Stanhope Aspinwall to Lord Harrington, 5 July 1741.

² *Finch Papers*, i. 119.

³ *State Papers, Foreign, Turkey*, 26, Kinnoull to Newcastle, 13 September (o.s.) 1730.

was not until 1762 that the government at length agreed to pay the then holder of the embassy, Henry Grenville, a regular allowance of £3 per day towards his expenses,¹ and not until 1803 that it finally took over from the company the complete appointment and maintenance of the ambassador.²

Like his master, the ambassador's secretary occupied a dual position, for in addition to his secretarial duties he held the office of chancellor to the factory.³ In this latter capacity he recorded and preserved all the official business of the little colony of merchants. He kept a register of the deliberations of its assembly and of all decrees made by it; he registered contracts between the factors, and the reports of ships arriving and departing; he received the effects of deceased members of the nation and of bankrupts, and examined and recorded all goods arriving which were short either in weight or in measure. He ranked as the second person in the factory, and was accustomed to act as deputy, or *chargé d'affaires*, when the ambassador was absent or ill, or in any interval caused by death. It was thus a position of considerable importance, and one which required a person of ability and trust. But here, just as in the case of the ambassador, the whole arrangement was anomalous, for although the secretary might at any moment be called upon to act for the Crown or conduct delicate negotiations, the government had no control over him. He was appointed and paid by the company,⁴ he received no commission from the king, as the other secretaries in Constantinople did from their respective sovereigns,⁵ and the salary he was paid, as Kinnoull pointed out, did not make it worth while for 'a man of sense and probity' to leave England and serve in this capacity.⁶

The treasurer's duties were more purely commercial, though he was responsible for the payment of all the company's servants, including the ambassador, and for raising the money required to meet the frequent *avantias* (extortions) imposed by the Turks upon the merchants. The funds for these purposes came from the consulage which he collected at Constantinople, and which was remitted to him from the other factories in the Levant.⁷ Like the chancellor, he was chosen and paid by the company,⁸

¹ State Papers, Foreign, Turkey, 41, Earl of Egremont to Grenville, 25 June 1762.

² *An Account of the Levant Co.*, 1825, p. 10.

³ Down to the time of Lord Chandos the two offices appear to have been kept separate.

⁴ He was paid 600 lion dollars per annum (*Hist. MSS. Comm., Downshire Papers*, i. 223).

⁵ State Papers, Foreign, Turkey, 24, Stanyan to Carteret, 7 November 1723.

⁶ *Ibid.* 27, Kinnoull to Newcastle, 30 November 1734.

⁷ This rate fluctuated, but was usually 2 per cent. on all goods entering and clearing.

⁸ His salary was reduced from 600 dollars a year to 400 in 1699.

and as the office was one which offered scope for numerous abuses it was carefully hedged round with conditions and restrictions. Each holder had to take an oath to fulfil all the obligations of his office, two sureties in London each to the extent of £200 per annum were demanded from him, and he himself had to give in bonds to the value of £2,000 not to disburse the company's money except for *avantias* and customary charges. His accounts, which were audited by four elected members of the factory—although they were still liable to exception by the company—had to be sent to London for approval at least every six months.

A resident chaplain had existed at Constantinople since 1611. He lived in the ambassador's palace, and received for his services £100 per annum, to which another 100 dollars (about £15) was added in 1724. The company claimed the right to choose and elect freely to this office, but as the holder of it not only ministered to the factory, but was also private chaplain to the ambassador, the latter's candidates were generally accepted and confirmed.¹ Services were held in the chapel attached to the palace, which Paget rebuilt 'almost after the model of that at Windsor';² and for a time the French protestant refugees in the city were also allowed to attend. But they soon had to be turned out 'because (besides other reasons too tedious to relate) their wives, being mostly Greek and Russian slaves by extraction, had quarrell'd and fought therein for places'.³ Besides his official duties the chaplain also looked after the factory library, for the maintenance of which the company frequently made him a grant and sent books out from England.

The three dragomans (interpreters) were the most important members of the native staff of the embassy.⁴ They not only interpreted for the ambassador and conveyed his messages to the various Turkish ministers, but they also acted as intelligence agents. They were, in fact, eyes, ears, and mouth to him, but in none of these capacities were they very satisfactory. They were mostly natives of Pera, of Italian extraction, and being subjects of the sultan⁵ were liable to summary punishment at the hands of any infuriated minister or pasha, so that frequently they dared not deliver a message which happened to be disagreeable to the

¹ Pearson, *Biographical Sketch of the Chaplains to the Levant Co., 1611-1706*.

² A. de la Motraye, *Travels*, i. 166.

³ La Motraye, i. 413.

⁴ They were paid by the company until the government took them over in 1803.

By the capitulations they were given permission to wear certain distinctive clothes, including yellow shoes, an important concession in a land where meticulous sumptuary laws were strictly enforced. Winchelsea wrote home that if they dared to appear in public without their yellow shoes, 'the boys in the streets throw dirt in their faces'.

⁵ By the treaty of the Dardanelles, 1809, it was forbidden to employ Turkish subjects as dragomans.

receiver, but had recourse to paraphrases and evasions of their own. Moreover, a dragoman who served one ambassador might transfer his services to another, or even at the same time be employed in a similar capacity by the Porte, so that secrecy and fidelity became almost impossible. The ambassadors frequently complained about them. Trumbull said that his were 'the worst of any employed in the place';¹ Paget described those who served him as 'the dullest souls I ever met with';² while Sutton accused them of being incapable, inexperienced, and, because of their catholic faith, addicted to French interests.³ Yet no real effort was made to remedy the flagrant abuses of this system, or to imitate the successful experiment of the French, who in 1670 began to send out boys to the convents of the Capuchins at Constantinople and Smyrna to be brought up with a knowledge of Turkish so that they might act as interpreters.⁴ At the close of the seventeenth century a few Greeks were brought to England at the Levant Company's expense and sent to Gloucester College, Oxford, to learn English, with a view to employing them as dragomans on their return; but apparently the scheme was not successful, for when it was proposed to send another lot over in 1704 Sutton was told by the company that 'those who have already been there [i.e. Oxford] do not give us encouragement enough to make any further tryal of that kind, having no prospect of advantage, but the experience of a great deal of trouble and charge from them, for which reason we are resolved to have nothing more to do with them'.⁵

By the capitulations the ambassador was empowered to employ at his own expense a number of janissaries to act as his guard, and he never went out unless accompanied by several of them. This escort was necessary to prevent him from being insulted in the streets by fanatical Moslems, who made a pious practice of contemptuously elbowing all 'giaours', spitting on them, or hurling opprobrious epithets after them without respect for person or rank. These janissaries themselves were popularly known as 'swine-herds' because of their occupation,⁶ but they seem none the less to have proved faithful servants. Kinnoull, at least, found them 'the trustiest fellows in the world'.⁷

A Turkish effendi, or priest, was also employed at Constantinople 'who was to attend every day for the purpose of

¹ *Downshire Papers*, i. 390.

² *Ibid.* i. 435.

³ State Papers, Foreign, Turkey, 21, Sutton to Nottingham, 8 September (o.s.) 1702.

⁴ G. B. Depping, *Documents inédits sur l'hist. de France*, ii. 496, Colbert to Échevins of Marseilles.

⁵ State Papers, Foreign Archives, Levant Co., 115, Company to Sutton, 6 July 1704.

⁶ Eton, *Survey of the Turkish Empire*, p. 112.

⁷ State Papers, Foreign, Turkey, 27, Kinnoull to Newcastle, 12 October 1734.

Turkish writing, especially letters which must be done with a formal address according to the quality and condition of the persons wrote to'.¹ Some of the younger members of the factory appear to have obtained some merriment at the expense of this humble servant of the Prophet by propounding for his solution obscure problems of his creed, as for instance, 'how the devils engendered since it did not appear that there was any distinction of sexes among them?' ; to all of which the old man replied with an engaging simplicity.²

A large retinue of attendants, servants, and grooms was required to staff the palace, which was always open for the entertainment of travellers of rank, and to enable the ambassador and his wife to conform to all that rigid system of pomp and ceremony by which the various foreign ministers sought to preserve their dignity before the Turks and against each other. When visiting Lady Mary Wortley Montagu the French ambassador's wife was always accompanied by guards, four-and-twenty footmen, and gentleman ushers, not to mention 'a coachful of attending damsels yclep'd maids of honour' ; which, of course, forced Lady Mary to turn out with a similar procession in order to sustain her rank. Fawkenor computed that he required nearly fifty attendants to enable him to live with the necessary display. Most of these were Greeks or Armenians hired in Constantinople and provided by the ambassador with his own liveries.³ English servants were occasionally taken out, but the climatic and other conditions did not appear to agree with them. Kinnoull tried the experiment, but the result was discouraging, for he confessed to the duke of Newcastle that the maids who were 'to clean my house and wash my linnen' soon turned so idle that he had to send them home again ; while of the twenty men who accompanied him he did not think two would be left in six months' time, for 'the heat of the country and the wine ruins them ; they are either drunk or sick in bed'.⁴

The first four holders of the embassy after the Restoration belong rather to the history of the Levant Company than to that of English foreign policy. The ambassador was still regarded primarily as an agent who resided 'on the score of trade only',⁵ and if from time to time his services were requisitioned by the secretary of state it was generally for negotiations of a semi-commercial nature, or for the occasional offer of a friendly mediation which might enhance the prestige of the king at the Porte, but which formed no integral part of English diplomacy.

¹ North, ii. 374.

² *Ibid.* iii. 58.

³ *Downshire Papers*, i. 224.

⁴ State Papers, Foreign, Turkey, 26, Kinnoull to Newcastle, 24 July (o.s.) 1730.

⁵ North, ii. 437.

The earl of Winchilsea,¹ who was sent out in 1660, was the first 'peere of England' to hold the office, as he did not fail to remind the company when he pleaded for a larger allowance to support his dignity. It was a fortunate choice, for he possessed both the disposition and the appearance which the Turks admired, though he was also helped by having the good fortune to reside in Turkey under the vizierate of the just and cultivated Ahmed Kiuprili, a golden age on which the Turks long looked back with regret. Winchilsea

was a jolly lord, and extremely favoured by the good Vizier Cuperli, who advised him often to live after his way; that is, as a man of pleasure, merrily; and not trouble himself with business, which, upon application by his dragomen, should be done to his hand; and having a goodly person and mustachios, with a world of talk, and that all (as his way was) of mighty wonders, the Vizier delighted in his company.²

He knew also how to secure the favour of that royal Nimrod, Mohammed IV, by suitable presents, such as 'four greate mastifs' which killed a lion and a bear to their new master's keen delight.³ But behind his talk and his genial exterior Winchilsea was ambitious. He longed to play a great part at the Porte; to keep his finger on the pulse of all that passed there, and even to regulate its beat. It was his eager desire to play the arbiter of peace and war, but instead he was confronted by a listless king who left him 'wholly naked, without encouragement, instructions or money', and by a close-fisted oligarchy of merchants who questioned every penny he spent and reprimanded him 'in such a stile as a tutour or guardian would scarce correct his pupill with'.⁴ His main task was to restore order among the factors who had broken loose from all discipline during the troubles of the civil war, and were openly defrauding their principals in London. He was also able to secure the renewal of the capitulations in 1662. On his way to Turkey he had called at Algiers and patched up a temporary agreement with that republic of robbers.⁵ Three years later he succeeded in persuading the sultan to ratify the treaties which Sir John Lawson had forced upon Algiers, Tripoli, and Tunis in 1662,⁶ a delicate point to achieve, since it involved the recognition by the Porte of the right of the English to make war upon those who were, nominally at least, its subjects.

¹ Winchilsea's Life is in the *Dict. of Nat. Biog.*, as also are the lives of the following ambassadors mentioned above: Finch, Trumbull, Harbord, Paget, Wortley Montagu, Stanyan, Kinnoull, and Porter.

² North, iii. 36-7. Evelyn also describes him as 'a prodigious talker'.

³ *Finch Papers*, i. 110.

⁴ *Ibid.* p. 318.

⁵ Playfair, *The Scourge of Christendom*, p. 80.

⁶ *Finch Papers*, i. 266.

Winchilsea was recalled in 1668 and was succeeded by Sir Daniel Harvey, the son of that merchant of London who had first introduced the young Edward Hyde to the notice of Archbishop Laud,¹ and a relative of his predecessor through the marriage of his sister Elizabeth to Winchilsea's cousin, Heneage Finch. He was ordered to offer his mediation between the Turks and Venice, being assured by his royal master that 'you cannot doe a more acceptable service to us, nor of more reputation, than in procuring and establishing our mediation in a worke of soe much advantage to Christendom'.² This was, of course, a mere gesture of goodwill towards the Venetians on the part of Charles, made the more willingly because it cost him nothing; and, as the event proved, it had no result, for the vizier made his peace with the republic after the fall of Candia (1669) without any outside intervention.

Harvey died in Turkey in 1672, and Sir John Finch, Winchilsea's cousin, who had formerly been the English minister at Florence, was chosen to fill his place. While Ahmed Kiuprili lived Finch enjoyed a period of quiet, and was able to get the capitulations renewed again with valuable additions in 1675. But the following year, when the vizier died, a storm broke with which the timid, unenterprising Sir John was completely unable to cope. Ahmed's brother-in-law, Kara Mustapha Pasha, who succeeded him as vizier, was truculent, extortionate, and a drunkard. For the next six years all the Franks—ambassadors, residents, and merchants alike—endured a reign of insolence and rapacity which was without parallel. To resist meant imprisonment, while to comply only brought more brutal insults and heavier impositions. Finch, who had been forced on various pretexts to disgorge about 110,000 dollars (roughly £27,000), was reduced to declaring that 'affayrs at this court are incredible, indicible, nay really inconceivable'.³ His sufferings were increased by his complete failure to understand the mentality of the Turks; and it was with genuine relief that he learnt that the Levant Company had decided at last, in desperation, to send out a new ambassador armed with strong letters of protest to the sultan and vizier against the recent treatment of its agents and factors.

Lord Chandos, on whom the choice fell, owed his election mainly to the fact that he was closely related to the governor of the company and to one of its most influential members, though he had taken the dangerous step of joining the 'petitioners' in order to ingratiate himself with the company's members

¹ Clarendon, *Life*, i. 24-8.

² Rawlinson MS. A. 255, fo. 68, Instructions to Sir Daniel Harvey.

³ Abbott, *Under the Turk in Constantinople*, p. 315.

by promoting their politics, and had also allowed his whiskers to grow as they were worn by the English in Turkey, so as to emphasize his suitability for the post.¹ He arrived at Constantinople in August 1681, presented his letters, and took up a firm line of resistance to the vizier's continual demands for money, even going to the point of engaging personally in an undignified scuffle with some of Mustapha's servants who were conveying two English merchants to prison on a trumped-up charge, the object of which was, as usual, to wring money out of them.² It was, however, all in vain. The vizier was too strong to be denied, and Chandos eventually had to pay 55,000 dollars to secure the release of the merchants.³ But relief came in 1682, when Mustapha set out on his march to Vienna. Chandos sped him on his way with the prayer 'that he may goe to pot ere long';⁴ and a year later, while all Europe was ringing with the news of Sobieski's relief of Vienna, he learnt that his tormentor had expiated his failure beneath the sultan's bow-string. The next few years he spent in peace, contentedly watching the demoralization which the disasters of the war caused among the Turks and hoping 'that they will have enough of that good physic to worke a perfect cure on their ill lives and worse manners'; but at the end of 1684 he learnt to his astonishment that the king had decided to recall him 'for reasons of state not fit to be communicated'.⁵ It was given out that he had failed to send home frequent and ample reports from Constantinople, but the more probable reason was that Charles was now in a position to revenge himself on the whigs, 'among which gang' Chandos 'was lookt upon to have hearded'.⁶ Sir William Soames, his appointed successor, was ordered to call at Algiers, Tripoli, and Tunis on his way out and confirm the peace existing between England and their respective governments. In April 1686 he successfully accomplished this at Algiers and Tunis, but was then taken ill and died at Malta in June.⁷ James II thereupon nominated Sir William Trumbull to succeed him, and the new ambassador arrived at Constantinople in August 1687.

In character he was the opposite of his predecessor. Chandos was a jovial man who loved his pipe and bottle, and looked with lenient eyes on the peccadilloes of the young merchants for whose moral welfare he was supposed to be responsible. In diplomacy he showed little interest. The only points which ever really stirred him were unimportant matters of ceremony, for he was a punctilious soul, and clung obstinately to all the pomp and

¹ North, *Examen*, p. 466.

² *Ibid.* fos. 26-7.

³ State Papers, Foreign Archives, Levant Co., 154, p. 408.

⁴ Stowe MS. 219, fo. 142.

⁵ Stowe MS. 219, fos. 23-4.

⁶ *Ibid.* fo. 42.

⁷ *Ibid.* 220, fos. 6, 10.

trappings of his dignity. Trumbull, on the other hand, was reserved, practical, caustic, and trenchant in his judgements, and with more than a trace of the puritan in him. To him punctilios were 'the pleasure onely of fooles, and the trouble of wise men'.¹ He had moreover gained considerable diplomatic experience in Paris, at the very heart of the continental politics of his time.

This difference between the amateur, easy-going Chandos, and Trumbull, who was both trained and efficient, was symbolic of the change which took place in the position of the embassy during the latter's tenure of it, for these four years, coinciding as they did with the Revolution at home, may be said to have marked the step which transformed a commercial agent masquerading as an ambassador into a servant of the Crown sent primarily for political and diplomatic business. Henceforward continuous and increasing emphasis was laid upon the diplomatic aspect of the embassy by the growing needs of English policy, and the Crown soon dislodged the Levant Company from the predominant place which it had hitherto held in the partnership. The original occasion for the change was the urgent desire for the new king, William III, to secure peace between the Porte and the emperor so that the latter might be free to throw all his forces against France, and in 1689 Trumbull was ordered to use his utmost endeavours to promote a pacification, and to offer his master's mediation if he saw an occasion.² This was no mere bid for prestige or popularity at the Porte, but a vital object of William's policy, the consummation of which would have reacted throughout Europe—as Louis XIV fully recognized—to the detriment of France, and for the next nine years a fierce struggle for supremacy raged in Constantinople between the French ambassador and the ministers of England and Holland.

Trumbull soon found himself confronted by those difficulties which were to delay the fulfilment of William's hopes until it was too late to influence the struggle with France. The marquis de Châteauneuf, who represented Louis XIV, had secured so strong a hold on the Turks by his bribes, gifts of military stores, and carefully regulated budgets of falsified news from the west of Europe, that Trumbull said, 'Tis certain this Empire at present is more govern'd by the French than the Turkish interest'.³ The two old allies naturally drew together in their common conflict with the emperor, and the Turks hoped to regain what they had lost since 1683, now that the Germans had to fight on the Rhine as well as on the Danube. Even their repeated disasters

¹ Brit. Mus., Add. MS. 34799, fo. 19.

² State Papers, Foreign Archives, Levant Co., 145, fo. 153.

³ State Papers, Foreign, Turkey, 20, Trumbull to Shrewsbury, 1 July 1690.

brought peace no nearer, for each new vizier knew that to accept the disadvantageous terms which the circumstances demanded would cost him his head, and probably hurl the sultan from his throne; while the emperor was naturally not anxious to call a halt so long as his armies were victorious. These apparently insuperable difficulties had prevented Trumbull from accomplishing anything before he was recalled at his own request in 1691. His successor was William Hussey,¹ deputy-governor of the Levant Company, who had made his fortune as a merchant at Aleppo. His embassy was stultified from the first by insincerity at Vienna, where he was delayed for five months by the intentional dilatoriness of the imperial counsels, and by the pride of the grand vizier, Mustapha Kiuprili, who 'had no more intention to make peace than to turn Christian'.² Mustapha's defeat and death at Szalankeman (August 1691) seemed to remove one great obstacle to peace, but all hopes were quickly destroyed again by Hussey's own death in September 1691. William Harbord, the former paymaster-general against whom Schomberg had inveighed so bitterly in 1689, at once volunteered to undertake the vacant embassy, but he was even more unfortunate than Hussey had been. No sooner had he crossed to the Continent than he was laid up by a violent attack of gout and did not reach Vienna until March 1692.³ Here he completely lost the use of his legs for a time, and though at length he was able to struggle down the Danube to Belgrade, it was only to die there at the end of July 1692.⁴

When this news reached England, Lord Paget, the ambassador at Vienna—who had already been suggested by the emperor as a likely person for the embassy at Constantinople⁵—was ordered to leave for Turkey with all speed. He arrived at Adrianople in February 1693 with instructions to

pursue the resolutions and measures concerted by you with the Emperor's ministers at Vienna, or what may afterwards be transmitted to you from thence, endeavouring to prevail with the Grand Vizir to what shall be proposed by that court as far as you shall see proper according to the temper of that people and the disposition of their affairs.⁶

On his arrival in Turkey he immediately proposed the adoption of the principle of *uti possidetis* as the only possible basis for a pacification, but it was scornfully rejected by the Turks. As the vizier sententiously remarked, 'peace would be when it pleased God,

¹ He was knighted after his election (Luttrell, *Brief Historical Relation*, ii. 32).

² *Downshire Papers*, i. 382.

³ State Papers, Foreign, Turkey, 20, Coke to Nottingham, 15 April 1692.

⁴ *Cal. of State Papers, Dom.*, 1691-2, p. 373.

⁵ Brit. Mus., Add. MS. 8880, fo. 66.

⁶ *Ibid.* 28939, fo. 290.

and not when men would it';¹ and for nearly two years Paget became a mere spectator of events. At the end of 1694 it seemed for a moment as though the tide was turning in his favour. The Turks were demoralized by the disasters of that year's campaign, and in December the vizier, Ali Pasha, sent for Paget to Adrianople. But once again ill fortune ruined his hopes, for no sooner had he arrived than Sultan Ahmed II died and was succeeded by the young and virile Mustapha II, who was fully determined not only to continue the war, but to command his troops in person. Paget could do nothing but return despondently to Constantinople and resume his long vigil.²

Not until the crushing defeat of Zenta (September 1697) and the arrival of the news that France had abandoned them by making peace at Ryswick, was the spirit of the Turks broken, and their determination to recover their lost territory undermined. The new vizier, Hussein Kiuprili, at once reopened negotiations with Paget, and by the beginning of 1698 he had consented to accept the joint mediation of England and Holland and the principle of *uti possidetis* as the preliminary basis of the peace conference.³ During the summer all four members of the Holy Alliance agreed to participate in the proposed congress—though with manifest reluctance on the part of Poland and Russia—and in October the plenipotentiaries assembled at Karlowitz. By the following January all the terms of peace had been satisfactorily arranged and were ready for signing. This successful reconciliation of so many conflicting claims and interests was largely due to the efforts of Paget, whose sternness forced the Turks to drop their attempt to exclude Transylvania from the agreed basis of *uti possidetis*, and whose tact and patience soothed the politic swashbuckling of the Russian representative and the stormy passionate scenes which took place between the plenipotentiaries of the Porte and Venice. He owed this control over the negotiations to his force of character. He was by nature reserved, quiet, and aloof, but his words were always weighed before they were uttered, and his decisions, once made, were unshakeable. Even the fiery vaunting French ambassador, Ferriol, quickly learnt to respect him as 'a man of firmness'.⁴ Below his retiring disposition and his carefully balanced judgement there smouldered an irascible temper which broke out violently when he was provoked too far. 'Sometimes', said the Venetian plenipotentiary Ruzzini, 'his sentiments boil over in

¹ Egerton MS. 918, fo. 20.

² State Papers, Foreign, Turkey, 20, Paget to 'Right Honourable' (? Sir John Herchard), 8 February 1695; Egerton MS. 918, fo. 35.

³ State Papers, Foreign, Turkey, 21, 'Translation of Turkish propositions of peace'; Popović, *Der Friede von Karlowitz*, pp. 38-9.

⁴ Ferriol, *Correspondance*, Ferriol to Louis XIV, 4 April 1700, p. 108.

an extraordinary manner, and carry him to expressions which the delicacy of his opponents cannot answer.' ¹ Yet the strength and sincerity of his character won him the goodwill of the Turks, and they bore no grudge against his resistance to their pretensions at Karlowitz. Both the sultan and the vizier wrote to King William after the congress was over expressing their pleasure at his conduct, and requesting that he might not be recalled; ² and when at length he left Turkey in 1702 they loaded him with gifts and favours. Nor did time blunt the impression he had made, for Sultan Ahmed III said to his successor, Sir Robert Sutton: 'The English are old and good friends to us . . . especially do we desire to prove to your king our remembrance of his friendly intervention at Karlowitz.' ³

Sutton ⁴ was fully competent to maintain the position and influence which his predecessor had established. He had been trained at Vienna as secretary to his cousin Lord Lexington (1695-7), and on his relative's recall had remained as resident minister at the imperial court until he was sent to Constantinople. While at Vienna he had gained the confidence of the emperor, and in Turkey he soon showed that he was equally capable of winning the respect and favour of his new hosts. He was a very competent diplomatist, and his equable disposition not only served him in good stead in his relations with the Turks, but also enabled him to secure the esteem of the Levant merchants, who had quarrelled consistently with Paget, but never tired of thanking Sutton for his 'integrity and candor' in their affairs. The early years of his embassy were spent in resisting the efforts of Ferriol to drive the Porte into war with the emperor again, a struggle in which he was favoured by the exhaustion of the Turks after the recent war, and their careful efforts to maintain, outwardly at least, a friendly attitude towards Vienna. In December 1711 his attention was diverted to a new task. The Russian hostages who had been sent to Constantinople after the disaster of the Pruth wrote to him and to the Dutch ambassador asking for their help to adjust the differences between the tsar and the sultan. ⁵ The vizier welcomed their proffered intervention, and after a long series of conferences they succeeded in negotiating a treaty for a truce of twenty-five years (April 1712). But Charles XII, the exiled king of Sweden, was furious at this defeat of his plans for reopening the war, and not only bombarded the Porte with 'very violent and indecent remonstrances' against

¹ Klopp, *Der Fall des Hauses Stuart*, viii. 288.

² Luttrell, iv. 492.

³ Hammer, *Hist. de l'Empire Ottoman*, xiii. 42.

⁴ He was knighted in June or July 1701.

⁵ State Papers, Foreign, Turkey, 22, Letters of Russian plenipotentiary to Sutton, 14 and 19 December 1711.

Sutton and his Dutch colleague,¹ but he also wrote to England complaining that Sutton had traversed all his measures since his arrival at Bender and had openly espoused his enemies' interests. As a result of this representation Sutton was ordered to take no further part in the negotiations,² and was obliged to refuse the vizier's request for his help in September 1712, when new difficulties had arisen over the continued occupation of certain Polish districts by Russian troops. This refusal hurt both parties. The Turks were 'much out of humour';³ while when war was again declared by the Porte in December the tsar blamed Sutton for it, and talked of confiscating all English goods at Archangel.⁴ In trying to serve Russia and please Sweden at the same time the British government thus lost the goodwill of both.

The outbreak of war between the Porte and Venice (1714), and the emperor (1716), gave the king of England a double reason for close attention to events in Constantinople. It was of the greatest importance to England that the emperor's hands should be left free to deal with the new crisis which threatened to develop in Italy between him and Philip V of Spain;⁵ and George I, who, as elector of Hanover, had quarrelled with the tsar in 1715 over the prolonged occupation of Mecklenburg by Russian troops, was equally anxious to secure peace in the east, in the hope that Turkey might then be driven into another war with Russia and so divert Peter's attention from the Baltic.⁶ Soon after the outbreak of the war Sutton had asked to be recalled, but he spent his last few months at Constantinople in striving—though without effect—to soften the presumptuous mood of the Turks and to persuade them to listen to reasonable terms. His successor, Edward Wortley Montagu, was sent out by way of Vienna, where he was coolly received by the imperial ministers, whose inclinations for peace had sunk to nothing since Eugene's victory at Peterwardein. After being kept waiting on various pretexts—a favourite device at Vienna for gaining time—Wortley Montagu arrived at Adrianople in March 1717. The hopes which were aroused in the Turks by the easy conquest of the Morea had quickly been dissipated by their disastrous failure to oppose Eugene in 1716, and the vizier, Khalil Pasha, whom Wortley Montagu found in office, was anxious for peace, but told him that he dared not leave Temesvar in imperial hands as such a sacrifice would endanger the sultan's throne. He hinted

¹ *Ibid.* Sutton to 'My Lord' (Dartmouth), 8 February 1712.

² Motraye, ii. 87, 114.

³ State Papers, Foreign, Turkey, 22, Sutton to Dartmouth, 25 September 1712.

⁴ Stowe MS. 225; Hanover State Papers, vol. iv, fo. 16, Robethon to Bothmar, 20 January 1713.

⁵ Michael, *Englische Geschichte im achtzehnten Jahrhundert*, i. 815.

⁶ *Ibid.* p. 821; *Cambridge Hist. of Brit. Foreign Policy*, i. 70.

that an exchange might easily be arranged, and Wortley Montagu passed the suggestion on to Vienna together with a proposal of his own for the immediate summoning of a peace conference.¹

His zeal only earned the displeasure of the emperor, to whom he appeared to be entirely in the Turkish interest and to be trying to snatch from Eugene the fruits of the victorious campaign he was then waging. Charles complained to George I during the summer of 1717 of this apparent preference shown by his minister for the Turks, and asked for his recall. At the same time he suggested that Sir Robert Sutton, who was known and trusted both at Vienna and at the Porte, should be appointed as plenipotentiary and mediator.² The request was granted, and by September Sutton was once more in Vienna, charged with the mission of securing peace between the two empires. The English ambassador at Vienna, Abraham Stanyan, was appointed joint mediator with Sutton, and was given the necessary credentials to succeed Wortley Montagu at Constantinople. The campaign of 1717, in which they lost Belgrade, forced the Turks to accept the principle of *uti possidetis*, and after the attempts of the emperor to negotiate directly with the Porte had been thwarted by the insistence of the latter on the mediation of England and Holland, a peace congress was assembled at Passarowitz in May 1718. Both parties tried to evade a literal application of the principle of *uti possidetis*, and Sutton had to make strong representations at Adrianople and at Vienna in order to avoid a new rupture and to bring the conflicting demands into greater harmony. The Turks at length showed themselves willing to satisfy all the just pretensions of the emperor, and Charles himself was forced by the threat of a Spanish descent on Sicily to moderate his terms. In June 1718 the imperial plenipotentiaries came to terms, and in the following month the peace was completed and signed on the original basis of retention of actual possessions. Its conclusion was a great personal triumph for Sutton,³ and a valuable contribution not only to the peace of the Balkans but to that of all Europe, for Alberoni's greatest hope of success in Italy was based upon the continuation of the Turkish war, and this indispensable foundation of his plans was destroyed by Sutton at the very moment when the Spaniards struck at Sicily.

Abraham Stanyan, who succeeded Wortley Montagu at the

¹ Temesvar had been taken by Eugene in November 1716: State Papers, Foreign, Turkey, 24, Wortley Montagu to Methuen, 10 April 1717; Wortley Montagu to (Methuen?), 8 June (o.s.) 1717.

² Michael, i. 821; Motraye, ii, appendix, p. 62.

³ Motraye said of the congress of Passarowitz, 'Sir Robert Sutton has done miracles on this occasion, having made our good Mussulmans give up Belgrade with a good air, or, as the French say, *de bonne grâce*; and to look on themselves as happy that the German progresses are thus stopped' (ii, appendix, p. 66).

Porte, had already had considerable diplomatic experience in Paris, Switzerland, Piedmont, Milan, and Vienna, but he was a man of slow and indolent disposition. Kinnoull described him as a 'well-behaved and complaisant gentleman' who loved 'grandeur and show' and whose 'whole life here (in Turkey) for these 12 years past, as I am informed, has been upon a sofa with the women'.¹ His embassy has a proleptic interest because it was the first occasion on which English and Russian policy crossed swords at Constantinople. As soon as the peace of Passarowitz had been signed, Stanyan set to work to stir up trouble between the Porte and Russia, with whom England had entered into conflict in the Baltic after the signing of the treaty of Stockholm with Sweden in 1719. He worked hard to alarm the vizir over the tsar's designs to establish himself in Poland by his prolonged occupation of Courland, and he sounded him about the possibility of an alliance with Ulrica Eleonora, the new queen of Sweden, one condition of which should oblige the Turks to compel the tsar to restore his conquests to the Swedes.² Stanyan was even authorized by the government to spend 10,000 dollars in bribes to accomplish this purpose; but it was all in vain. Offers came from Peter to renew the treaty of the Pruth and convert it into a perpetual peace, and in spite of Stanyan's protests the new treaty—which had been warmly supported by the French ambassador—was signed in November 1720.

The treaty of Nystadt did not remove the hostility which existed between England and Russia, for England was irritated by the restraints which the tsar had imposed on her Baltic trade, by the suspicion that he was encouraging the Jacobites, and by the support he gave to the exiled duke of Holstein-Gottorp, whose restoration would imperil the settlement by which Hanover had secured Bremen and Verden. When therefore in 1722 the Porte began to display considerable anxiety about the tsar's invasion of Persia and his extensive acquisitions in the Caspian district, Stanyan renewed his efforts to foment the ill feeling, and depicted in lurid colours the dangers to which Russia's gains exposed the Ottoman empire.³ But the vizier 'was resolved to pitch upon a peace with the tsar upon any terms rather than hazard his own ruin by engaging in a war',⁴ and when Peter appealed to his cupidity by suggesting an agreement to divide the Persian spoils, he soon agreed to the proposed treaty of partition. Early in 1726, after the alliance of Hanover had removed the opposition

¹ State Papers, Foreign, Turkey, 26, Kinnoull to Charles de la Faye, 19 August (o.s.) 1730.

² *Ibid.* 24, Stanyan to Stanhope, 12 February (o.s.) 1720.

³ *Ibid.* Stanyan to Carteret, 19 February 1723.

⁴ *Ibid.* same to same, 12 December (o.s.) 1723.

of France, Stanyan received orders to make another effort to rouse the Turks against Russia. The duke of Newcastle wrote to him in January,

As the Czarina is endeavouring everywhere to thwart and disappoint the designs of England and France for the preservation of the publick peace, and is still encouraging and supporting the Jacobite interest, His Majesty would have you continue to use your endeavours to induce the Turks to carry on their designs against the Muscovites in Persia (where they had fallen out over the division of the spoils), and by that means find her some diversion in those parts.¹

But the Porte was already too deeply involved with the Persians to risk another war, even if the knowledge of the Austro-Russian alliance of 1726 had not also warned the vizier against any rash step, and all Stanyan's arguments were unheeded. The death of George I in the following year brought with it a relaxation of the suspicion of Russia which had characterized English policy since his accession, and for the remainder of Stanyan's embassy the British government was too busy combating the designs of the Austrians and Spaniards in the west to trouble about the more shadowy Russian menace. He was recalled in 1730, and in spite of his efforts to embroil the Porte in war with Russia the vizier dismissed him with a written testimonial to his king that he had always 'behaved himself in a manner suitable to the good harmony and advantage of both nations, and discharg'd the duty of his embassy in a commendable manner'.²

His successor, who arrived at Constantinople in April 1730, was George Hay, seventh earl of Kinnoull. His first three years in Turkey passed uneventfully, but the outbreak of the Polish succession war in 1733 put an end to this period of tranquillity, and the activities of the foreign ministers in Constantinople which were aroused by the new conflict reflected the different grouping of interests which had taken place in Europe since the treaty of Vienna, 1731. While the French ambassador, the marquis de Villeneuve, strove with 'dayly and earnest solicitations'³ to persuade the grand vizier Ali to support King Stanislaus, Kinnoull, in accordance with instructions from home, strongly dissuaded him from taking any hostile steps against Russia, pointing out that war with the tsarina meant also war with the emperor, and that it would ruin the efforts which England was making to accommodate matters between the powers.⁴ Yet in spite of this warning the vizier began to prepare for war, and even the rejection by France of the treaty of alliance which Ali had

¹ State Papers, Foreign, Turkey, 25, Newcastle to Stanyan, 15 January 1726.

² *Ibid.* 26, Ibrahim Pasha to George II, 1730.

³ *Ibid.* 26, Kinnoull to Newcastle, 20 July 1733.

⁴ *Ibid.* 27, same to same, 27 April 1734.

demanding from Villeneuve before committing himself to hostilities did not stem the rising tide of anger of the Porte against Russian intervention in Poland, and encroachments on the boundaries of the Crimean khanate. The vizier told Kinnoull plainly that if the Russians remained in Poland during the coming winter the Porte would be obliged to take measures for its own security. At the same time he gave him a letter to George II repeating his complaints against the tsarina and expressing the hope that the English court would not approve of proceedings 'so contrary to the facts of good friendship and the contents of the treaties', but that by its good offices 'these particulars will come to be explained and adjusted in a friendly way . . . according to the desire of the Sublime Porte'.¹ Kinnoull tried to assure the vizier of the sincerity of Russia's intentions, and the British government did its best to recommend at St. Petersburg a line of conduct which might quiet the suspicions of the Turks. But the tsarina had resolved to wipe out the humiliation of the Pruth, and the Porte viewed with increasing alarm her claims on the debatable frontier lands between the Crimea and the Caspian.

Hostilities were finally provoked between them in 1735 by the march of a Tartar force through some of the disputed territory on its way to assist the people of Daghistan against the Persians. The Russians protested against the expedition, and then attacked the Tartars and raided their settlements. Such was the situation when Kinnoull was superseded by Sir Everard Fawkener in December 1735. Over a year earlier the duke of Newcastle had written complaining that the king had received information that Kinnoull was living on too intimate terms with the French ambassador, and that he had always shown great indifference in the negotiations to preserve peace between Russia and the Porte.² The king's informants were Calkoen, the Dutch ambassador, and Neplueff, the Russian resident, and Kinnoull defended himself with considerable plausibility by a counter-accusation against his two colleagues that they were engaged in an involved and deeply laid plot to get him recalled. Which story was true it is impossible to say. Kinnoull's successors confirmed the adverse characters of Calkoen and Neplueff which he drew, and if he had not stressed in his reports the influence which the French ambassador exercised over the vizir and the warlike preparations which were being made, it was because he had always believed—and rightly as it proved—that the Turks would not fight unless the Russians forced them to do so. On the other hand, the repeated complaints received in London of

¹ *Ibid.* 27, Grand Vizir Ali to George II.

² *Ibid.* Newcastle to Kinnoull, 8 October 1734.

his 'manifest partiality' for the French were sufficiently convincing for the king to decide to recall him in the summer of 1735.

Sir Everard Fawken¹ was a merchant of the Levant Company who had lived and traded for some years in Aleppo, and had then returned to England and settled down to a life of cultured ease in his house at Wandsworth. He was a man of literary and artistic tastes and possessed a genial and kindly disposition. Bolingbroke said of him that 'he has much and useful knowledge and is of an admirable temper'; and Voltaire, who spent most of his stay in England (1726-9) at Fawken²'s house, spoke of him as 'the good and plain philosopher of Wandsworth', and never forgot the hospitality and many kindnesses he received from him during these years.³ His instructions on going out to Constantinople were to concert and execute with the imperial and Russian ministers there 'such measures as shall appear the most effectual to prevent the Porte from coming to a rupture with the Emperor or the Czarina'.⁴ But fighting had already begun in the Crimea before he arrived, and when the news arrived in the following spring that Münnich had invested Azov, the Turks very reluctantly declared war. The vizier at once sent for Fawken and Calkoen and asked for their mediation. He claimed their help because, as he pointed out, in the Polish war the Porte had believed the assurances of England and Holland about the sincerity of Russia, and had thus lost a favourable opportunity of providing for its own security.⁵ On his request they wrote to the Russian chancellor, Osterman, to try and arrange the dispute, but his response merely enlarged in the usual stilted vocabulary of diplomacy upon the justice and moderation of the tsarina's claims, and offered no hopeful basis for further correspondence. In December 1736 they were summoned to the Turkish camp at Babadagh with a view to their participating in the negotiations which had been renewed at the end of the campaigning season.⁶ But the maritime powers, who were anxious to work in harmony with the emperor and Russia, had forbidden their ministers to mediate unless their services were accepted by all parties, and as neither the tsarina nor the emperor (who was in secret agreement with Russia), had signified their acceptance of the Anglo-Dutch mediation,⁶ Fawken and Calkoen were obliged to refuse their help to the Turks. Consequently they took no part in the congress of

¹ He was knighted at Hanover, September 1735, on his way to Turkey.

² Ballantyne, *Voltaire's Visit to England*.

³ State Papers, Foreign, Turkey, 27, Additional Instructions to Fawken.

⁴ *Ibid.* 28, Fawken to Newcastle, 10 June 1736.

⁵ *Ibid.* same to same, 30 December 1736.

⁶ *Ibid.* 29, same to same, 31 March 1737.

Nemirov (1737), at which the Austrians and Russians amused the Porte until the emperor was ready to take the field. Henceforward they were virtually excluded from the negotiations, and the control of the whole situation passed into the hands of the French ambassador, to whom the Turks had turned when they were presented with the impossible terms of their opponents at Nemirov. Although Fawkener and the Dutch ambassador made several offers to renew their mediation, and complained to the vizier of their exclusion, they met only with evasive replies and were denied all information of what was going on in the battle areas or behind. Villeneuve ignored them, and beyond the obvious fact that he was busy negotiating with the full confidence of the Turks, Fawkener knew nothing of the long series of intrigues which led up to the triumph of his French colleague at Belgrade. His letters home contained few definite details and were apparently based merely on hearsay or rumour.

The outbreak of the Austrian succession war caused little disturbance at Constantinople, for the Turks were resolved to maintain a strict neutrality.

They seem [wrote Fawkener] to have a view of setting a shining example, and to affect a kind of triumph in preferring their veracity to all the appearances of advantages at a time when others are so eagerly bent on the pursuit of them as totally to forget all kinds of considerations, even those of common decency.¹

The situation was so quiet that in 1742 Fawkener asked for, and obtained, permission to return to England for a short time on his private affairs. He departed in November, leaving his secretary, Stanhope Aspinwall, in charge during his absence. For two more years the situation continued uneventful, but in May 1744 the Porte decided to draw an imaginary line from Arta to the gulf of Sidra, to the east of which all privateering was prohibited.² This was done in the vain hope of protecting Turkish subjects and goods from the depredations of the English and French vessels which swarmed in the Aegean since the formal declaration of war between the two countries in March 1744. The English privateers simply ignored this line, and the sultan and the vizier soon found themselves besieged by the complaints of a constant stream of subjects who had been dispossessed of all their goods and often very roughly handled while sailing in Turkish waters. Naturally they were annoyed, and the relations of Stanhope Aspinwall with the vizier became distinctly strained. In 1746 he was given 'peremptory orders' by the Porte to communicate its complaints to the king, and a definite period of three

¹ *Ibid.* 31, same to same, 10 January 1742.

² *Ibid.* 32, Stanhope Aspinwall to Newcastle, 12 May 1744.

months was fixed for restitution to be granted to the sufferers. Aspinwall told Newcastle that

if it is, or ever has been, thought necessary either for publick or other interests of His Majesty or his subjects to keep up any good understanding between our Court and this, it is now high time to use some methods to revive it, when it seems to be actually breathing its very last gasp.¹

This warning at length aroused the government to the danger of the situation, and in reply Newcastle promised the vizier all reasonable satisfaction to the victims of the privateers and the issue of more stringent orders to the captains of such vessels. A further source of annoyance to the Turks was the prolonged absence of the English ambassador. Soon after his return to England Fawkener had been appointed private secretary to the duke of Cumberland, and no effort was made to fill his place in Constantinople. Great resentment was aroused at the Porte by this omission, and by the way in which, as it appeared, Fawkener had stolen away, leaving no authorized successor behind him. Strong representations were sent to the king in 1745 and again in 1746, and as the result of these James Porter, who was then in Vienna on a special mission to the empress, was appointed to the embassy, and arrived at Constantinople in February 1747. The Turks were at first anxious about his rank, for they knew that he had been a merchant in his earlier days, and after their experience of the way in which Fawkener had treated them they told Stanhope Aspinwall frankly that they wanted no more people of such 'low rank' sent to them.² But Porter was a man of ability and tact, and his conduct quickly destroyed any suspicions which the Porte may have entertained about him on this score.

Until the peace of Aix-la-Chapelle was signed he was fully occupied in liquidating the troubles caused by the English privateers. When the war was over he settled down, in conjunction with the imperial and Russian residents, to resist the efforts of the French and Swedes to secure some treaty or alliance between the Porte and Prussia. In 1754, through the 'vast habitudes and friendship' of his dragoman, Pisani, he was able to secure copies of the letters sent by Louis XV to the sultan urging a treaty of alliance and commerce between the Porte and Prussia similar to that made with Sweden in 1740, and of the proposed new treaty between France and Turkey by which both were to guarantee the liberty and constitution of Poland.³ But the Turks

¹ State Papers, Foreign, Turkey, 32, Stanhope Aspinwall to Newcastle, 20 August 1746.

² *Ibid.* same to same, 26 January 1747.

³ *Ibid.* 37, Porter to Sir T. Robinson (with copies of French proposals enclosed), 1 October 1754.

needed little persuasion from Porter to adhere to their policy of non-intervention, and politely postponed consideration of the French proposals *sine die*.¹ Karl Adolf von Rexin, who arrived at Constantinople early in 1755, nominally to convey Frederick the Great's congratulations to Sultan Osman III on his accession, but in reality to try and negotiate a treaty with the Porte, met with a similar evasive response,² and Porter was able to congratulate himself on having helped once more to thwart the plans of France and her ally.

A few months later the news of the convention of Westminster and the treaty of Versailles fell like a bomb among the settled policies and habits of all the diplomatists in Turkey. If Vergennes, who inherited a policy which for nearly a century had been opposed to the Empire and had striven to preserve Poland from Russian influence, now found it embarrassing to explain his master's alliance with the old enemy and to persuade the Porte that on this occasion the overrunning of Poland by Russian troops was in no way dangerous to its independence, Porter found it hardly less difficult to perform a *volte-face* and become an eager supporter of the alliance between Turkey and Prussia which he had resisted so vehemently a few months before ; while the Turks themselves, whose ideas of diplomacy had never strayed beyond that rivalry of France and Austria which they had known since the days of Suleiman the Magnificent, were entirely bewildered. Most of their ill humour was naturally concentrated against those who had dislodged this corner-stone of their foreign policy, and Porter did not fail to impress upon them—by a slight distortion of the true facts—‘that it was the most perfidious step the French could take’ to join an alliance which must obviously be aimed against the Porte, since the house of Austria could have no other power to fear.³ He was soon joined by Rexin, who again arrived secretly at Constantinople, with credits in his pocket for 100,000 dollars to facilitate his negotiations for an alliance which might be followed by the intervention of the Turks in the war,⁴ and the accomplishment of this desirable end became the incessant theme of all Porter's instructions from home. In later years Pitt may have been ‘quite a Russ’, and hoped for the destruction of the Ottoman empire, but no such feelings prevented him from trying to incorporate the Turks in his all-embracing plans of campaign against France and her allies during the Seven Years' war.

¹ *Ibid.* 38, same to same, 16 December 1754.

² *Ibid.* Porter to Holderness (enclosing copy of Porte's reply to Rexin), 16 June 1755.

³ *Ibid.* 39, Porter to Henry Fox, 1 August 1756.

⁴ *Ibid.* Porter to Pitt, 25 April 1757.

In January 1757 he wrote to Porter that it would create a useful diversion if the Porte could be persuaded to reinforce its troops on the Austrian and Russian frontiers,¹ and in March 1758 he sent him, along with the news of the new treaty between France and Austria, and £20,000 to be used for bribes, renewed exhortations to stir up the Turks against their old enemies.

When can the Ottoman Porte [he wrote] have so favourable an opportunity of securing themselves from the impending danger as the present? When the Empress Queen is obliged to withdraw her whole force from the Turkish frontier to make up the face of an army against the victorious troops of the King of Prussia; and the Empress of Russia also has been induced to engage her forces in support of the measures of her new allies; so that the Ottoman Porte can have nothing to fear from either of these frontier powers, whatever dispositions or motions of their forces the Porte shall judge proper to make.²

Porter, who had meanwhile tried in vain to arrange some agreement between the Porte and Rexin (who was still lying hid in Constantinople), at once passed on the news of the new Franco-Austrian treaty to the vizier, hinting that France had not only guaranteed to the Empress the restoration of Silesia but also of all territory lost since the treaty of Passarowitz. The vizier, Ragib Pasha, 'the most informed of any one man in this Empire of the true interests of the Porte, the connexion of Christian princes, and their interests',³ listened to him patiently, but kept his own counsel until the spring of 1759. Then he opened his mind. He admitted that circumstances were favourable for the Turks to strike a blow at their old enemies, Austria and Russia, and he professed to be anxious for some understanding with Prussia, but as the king of Prussia was a complete stranger to the Porte he required that its 'old and true friend', the king of England, should guarantee that any alliance made with Prussia should be 'durable, perpetual, and for ever'. If King George would pledge himself on this point Ragib offered to sign a treaty with Prussia and to invade Hungary.⁴ To this proposal Pitt replied by urging that unity of interest was a far stronger bond of union than 'the formality and letter of treaties', and by giving Porter a free hand so far as bribery was concerned, providing only that no money was actually paid until the Turkish forces had begun to march.⁵

Unhappily, however, Ragib Pasha presented the strange phenomenon of a Turk in high office who was absolutely incor-

¹ State Papers, Foreign, Turkey, 39, Pitt to Porter, 11 January 1757.

² *Ibid.* 40, same to same, 2 March 1758.

³ *Ibid.* 39, Porter to Holderness, 15 January 1757.

⁴ *Ibid.* 40, Porter to Pitt, 3 April 1759, 8 April 1759.

⁵ *Ibid.* Pitt to Porter, 25 May 1759.

ruptible, and he clung obstinately to his demand for an English guarantee. It was obviously impossible for the British government to give such a promise—the long time which it took to communicate between the two countries would alone have sufficed to prevent it—and Pitt took the only honourable course when he refused a pledge which would almost certainly have had to be disowned in the near future unless the interests of his own country were to be sacrificed to it, though he did try unsuccessfully to satisfy Ragib by authorizing Porter to make a carefully worded oral declaration on the point.¹ Possibly the vizier had foreseen that his request was impossible and was merely hedging and playing for time, for politics at the Porte was a game in which office, fortune, and life all depended upon the skill with which the player tacked and veered before the prevailing wind. At least Porter came slowly to suspect that the vizier had not been entirely sincere in the negotiations.² Yet in spite of the refusal of an English guarantee Ragib finally consented to treat with Rexin, and in December 1760 the Prussian agent was led out from Constantinople by night through side streets to the house of the vizier's daughter, where he found Ragib waiting to see him. Rexin offered 250,000 dollars for a defensive treaty, but was quickly told that he must not think the Turks so simple as to be taken in and bring ills on themselves for a little money.³ Ragib definitely rejected any idea of a defensive alliance, but he offered to consent to a treaty of commerce, and Rexin acquiesced in the hope that it might be used as a stepping stone to some closer understanding. In April 1761 he was at length given a public audience by the vizier and received from him the signed treaty of friendship and commerce which had been arranged between them.⁴

With this event Porter's interests in the negotiations ceased, for the estrangement which took place between England and Prussia after the resignation of Pitt was reflected in Turkey, and although Rexin continued to work for an offensive and defensive alliance with the Porte until he was recalled in 1764, he ceased to take his English colleague into his confidence or to acquaint him with any of his activities.⁵ On his own request Porter was recalled in 1761, and Henry Grenville, the brother of Earl Temple, was appointed to succeed him. The new ambassador arrived at Constantinople in March 1762,⁶ and Porter—who was a bad sailor—set out in May to return home by land: an adventurous journey through Silesia and the other belligerent areas which he

¹ *Ibid.* same to same, 12 June 1759.

² *Ibid.* 41, Porter to Pitt, 9 February 1760.

³ *Ibid.* same to same, 8 February 1760.

⁴ *Ibid.* Grenville to Egremont, 2 April 1762.

⁵ *Ibid.* same to same, 2 March 1762.

⁶ *Ibid.* same to same, 4 April 1761.

fortunately accomplished without accident in four months' travelling.

It must be admitted that English diplomacy at Constantinople during this century 1660–1760 is, broadly speaking, a story of ineffectual effort and failure. The peace of Karlowitz came too late to influence the war which ended at Ryswick; Stanyan failed to create a diversion against Russia; Kinnoull was unable to prevent war between the sultan and the tsarina; Fawkeners efforts to make peace between them ended in ignominious futility; and Porter could not unite the Turks with Prussia or persuade them to intervene in the Seven Years' war. The results obtained, from a diplomatic point of view, shrink into insignificance when placed beside the successes of the French ambassadors to Turkey, for Châteauneuf, Villeneuve, and Vergennes—to mention only three of the remarkably able sequence of men who represented France in the Levant during this period—wielded a consistently powerful, and sometimes decisive influence over Turkish policy, and swayed it in the interests of France with extraordinary success. The failure of England to do the same was not due to any personal deficiencies in her representatives. Four of them at least—Trumbull, Paget, Sutton, and Porter—were men of outstanding ability, and of the remainder none was below the normal level of competency. The fault lay rather in the nature of the policy they were obliged to sustain at the Porte, for while it is true to say that the revolution of 1688 first brought Turkey permanently within the orbit of English foreign policy, it did so only as an auxiliary to the solution of more pressing diplomatic problems, and not as a question of outstanding importance in itself. Consequently English interest was limited to the reaction which Turkey might be made to produce upon the neighbouring states, according as England was friendly or hostile to them. The reaction which those states might have on the welfare or even on the continued existence of Turkey itself was hardly considered until her preservation became necessary in the nineteenth century for the protection of English interests in the Mediterranean and in India.

Thus it often happened that English diplomacy, based on the established axioms of hostility to France and friendship with the Empire, was opposed to the true interests of the Porte, whose policy regarded France as the traditional friend and Austria as the traditional enemy. While, therefore, an English ambassador like Paget who strove to arrange some accommodation between the Porte and the emperor in order to serve the ulterior motives of his sovereign had to overcome both the interests and the traditions of the Turks, and could offer no tangible reward for the surrender of them, the French ambassador had merely to confirm

the Porte in its settled policy, adherence to which offered the possibility of rich prizes in territory and booty. In the same way France and Turkey were united in their opposition to Russia, whereas England, which was unaffected by the encroachments of the Russians on the fringe of Europe, tended to favour them because of the rich commerce which existed between the two countries. The Levant Company's trade diminished throughout the century until Porter could write that 'commerce will have its ebb and flow, but this branch has sunk to such a degree that the channel remains almost without hope of replenishing'.¹ Meanwhile the Baltic trade with Russia—consisting mainly in naval stores which were indispensable to Great Britain until an alternative source became available in America—grew steadily in volume. So long, therefore, as commerce remained the chief motive of England's policy she naturally favoured Russia rather than Turkey. Only when empire supplanted trade as the basis of her diplomacy was the balance tilted in the opposite direction, and the preservation of Turkey against Russia established as the cardinal point of England's attitude towards 'the Eastern Question'. Stanyan's hostility to Russia, which was grounded on Hanoverian rather than on English policy, and Porter's efforts to rouse the Turks against her, which sprang from the exceptional circumstances created by the diplomatic revolution of 1756, were only temporary aberrations from the settled course of Anglo-Russian friendship. Normally the English ambassador found himself handicapped by the necessity of working in conjunction with, or on behalf of, the two most persistent opponents of the Porte, while the French minister was confronted by the far easier task of encouraging hostility which was always latent, and of blowing coals which already glowed. As Pitt truly pointed out to the vizier Ragib, unity of interest was the only real bond between states. Between France and the Porte it existed in their common hatred of Austria and Russia, but between England and Turkey no such basis for co-operation was discovered until Pitt's son laid down the principle that the maintenance of the Ottoman Empire was a vital interest to England. A. C. WOOD.

¹ Porter, *State of the Turkey Commerce*, p. 361.

The Westminster Election of 1814

THE parliamentary election in the great radical constituency of Westminster, which followed the expulsion of Lord Cochrane from the house of commons,¹ is interesting as an incident in the careers of Sheridan and Brougham. In 1814 Sheridan had already outlived his greatness. Socially he was on the verge of ruin; politically he was discredited by his connexion with the prince regent. Since the general election of 1812 he had been without a seat in parliament, but on 22 April 1814 the *Morning Chronicle*, the chief organ of the whig party, announced that he was to be brought in for the borough of Truro. Three days later, however, the report was contradicted, and the *Chronicle* declared that he would never consent to sit in parliament for a close borough. Henry Brougham, too, who was rapidly making his name at the bar, had been excluded from St. Stephen's since 1812, in which year he had failed to carry the Liverpool election. He himself, in a moment of candour, acknowledged that he had been a bad party man, and for the neglect with which he had, for two years, been treated by the whig magnates he had only himself to blame. But the borough proprietors' indifference to his prospects had impressed him deeply. At one moment he had serious thoughts of enlisting under the banner of Canning; at another, of turning 'demagogue' and allying himself with the radical Burdett. Before the end of 1812 we already find him stating that to be returned as radical member for Westminster was almost the height of his ambition. Burdett and Cochrane were the sitting members, and there was no immediate likelihood of a vacancy.

The possibility of developments from the episode of Cochrane's stock exchange hoax caused a flutter of excitement amongst the Westminster electors and the party managers. His trial, conviction, and expulsion from the house of commons were all anticipated before even preliminary inquiries into the affair had been made. With indecent haste, both the whigs and the radicals began to prepare for another election. As early as 12 March, less than three weeks after the date of the alleged fraud, and long before it was known whether there would be a vacancy, the newspapers

¹ See J. B. Atlay, *The Trial of Lord Cochrane before Lord Ellenborough*.

were circulating reports that Brougham would go to the poll, and Lord Byron had already been informed that Sheridan was to fight in the whig interest.¹ On 10 March he wrote in his diary: 'Sherry means to stand for Westminster, as Cochrane (the stock-jobbing hoaxer) must vacate. Brougham is a candidate. I fear for poor dear Sherry. Both have talents of the highest order, but the youngster has *yet* a character. We shall see, if he lives to Sherry's age, how he will pass over the red-hot ploughshares of public life.' A three-cornered contest, however, appeared to be inevitable, and Francis Place shrewdly suspected that the Tories would put forward a candidate with the express object of destroying the powerful influence which the Westminster committee of Reformers (formed in 1807 to secure the return of Sir Francis Burdett) exerted on behalf of the radicals. The Whigs, fearing for their popularity, were anxious to avoid a contest with the reformers, and on Saturday, 11 June, the duke of Norfolk, one of the most powerful borough proprietors in the country, condescended to call upon Samuel Brooks, the chairman of the Westminster Committee, and urged him not to propose Brougham. The radicals, however, confident that their triumphs in 1807 and 1812 would be repeated, were not at all disposed to be so accommodating. The duke's efforts failed.² By the end of June the government whips had, on the ground of expense, definitely abandoned any intention they might have had of putting forward a candidate, and had decided to support the Whigs against the common enemy. Sheridan's prospects, therefore, seemed bright, for he had obtained a footing in two camps. But one complication had hardly been avoided when another threatened to arise. The radicals were by no means united in support of Brougham's projected candidature. Not without reason did many of them suspect his attitude towards parliamentary reform, the question in which they were most interested. The result of their dissension was that on 5 June Peter Walker, a prominent Westminster elector, invited Major Cartwright, the veteran reformer, to stand; and a week later Cartwright privately accepted the invitation.

Whilst these intrigues, negotiations, and preparations were proceeding, Cochrane's trial was drawing near. It began on 8 June and was concluded the following day. He was found guilty, but sentence was deferred. Brougham himself was one of the counsel retained for the defence.

¹ There is no truth in Moore's story (*Diary*, iv. 296) of Sheridan being at this time in a spunging-house, 'speculating upon Westminster'. Sheridan was arrested for debt, not in 1814, but in August 1813, and his detention lasted only three days (Sichel, *Sheridan*, ii. 374).

² Brit. Mus. Add. MS. 27850 (Place Papers), fo. 276.

A week later (16 June) the *Morning Chronicle* announced that until a vacancy was declared, Sheridan's friends would refrain from calling a public meeting on his behalf; and the radicals were first in the field. They had already taken advantage of the opportunity afforded by the celebration of Burdett's seventh anniversary of his election for the city of Westminster, on 23 May, to bring Brougham before the notice of the electors. James Burdett, the brother of Sir Francis, had, on that occasion, proposed his health, and Brougham, who was introduced to the assembly as 'the honest lawyer', delivered a brilliant speech. The first public meeting in connexion with the expected election was held at the 'Crown and Anchor' tavern by the reformers on 8 June. They passed a resolution that their candidate must necessarily subscribe to the three cardinal principles of reform which Burdett had enunciated in parliament in 1809: that the right of voting ought at least to extend to all who were subject to direct taxation; that 'representation ought to be fairly distributed throughout the country'; and that the duration of parliaments ought not to exceed the period of one year. The disunion of the radicals was publicly revealed at their second meeting held on Thursday, 16 June. After the resolution that had been passed a week earlier had been read and confirmed, Alderman Wood, afterwards notorious for his championship of the queen's cause in 1820, proceeded to nominate Major Cartwright. The proposition was duly seconded, and immediately afterwards Mr. Lochee, the chairman, sent a message on a slip of paper to a gentleman whose name does not appear, but who at once rose and proposed Brougham. An extraordinarily animated discussion ensued, and the merits and demerits of the two candidates were freely canvassed, but the meeting broke up without taking a vote in favour of the nominations. Some speakers objected to Brougham on the ground that his views on the great subject of parliamentary reform were really 'unknown', whilst they pointed out that Cartwright had been a staunch and unwavering supporter of the radical programme for more than a generation. The same critics, too, strongly argued that Brougham's views on that all-important topic had, only four years before, been distinctly opposed to those which the Westminster electors had just declared must be subscribed to by their candidate. They reinforced their arguments by quoting Brougham's article on that subject in the *Edinburgh Review* of April 1810, the authorship having accidentally become known to the general public. A few days later an account of the proceedings at this important meeting was published in the form of an anonymous pamphlet, *To the Electors of Westminster*, signed, 'By an Elector of Westminster'. The writer took full advantage

of the scope for ironical comment afforded by Brougham's piquant situation. In 1810 he had spoken of the radicals whose votes he was now about to solicit as the 'contemptuous tools of a tumultuous faction', as a 'class of impostors practising despicable arts', and 'showing' an utter 'disregard of truth and contempt of decency'. Cartwright was applauded for his lifelong services to the cause of reform, and his adversary's claims were demolished. But this is not the end of the story. The pamphleteer, alluding to Cartwright's tract of 1810 (*The Comparison*) on the subject of parliamentary reform, declared that the major had met responsibility 'by putting his name to what he wrote'. This anonymous writer who boasted of the major's fitness and moral excellence, and who discovered such a virtue in publicity of authorship, was none other than Cartwright himself.¹

Not unnaturally, he lost much of his ground when this fact became known. Francis Place declared that 'scarcely anybody would act either with him or for him'.

The Major [he afterwards wrote] was never very nice about the means he used to accomplish his purposes. . . . It is remarkable that all his life long, the Major had acted in a similar way towards his associates, saying and doing whatever he thought right for his own purposes, without ever consulting them, even in matters in which they were implicated, and thus as Horne Tooke had observed, has either caused his expulsion from or broken up every society or party of which he was a member; still the Major never saw his folly and lost his points continually, and still he thought the game was always his.¹

On the day of this meeting, Brougham, aware that he would have to subscribe to Burdett's reform programme, informed Francis Place through Edward Wakefield, a radical friend of the Charing Cross tailor, and the father of the more famous Edward Gibbon Wakefield, that he was willing and ready to take the pledge; but at the same time, says Place, he 'expressed himself somewhat dissatisfied no application had been made to him from the Westminster Committee'. Brougham told his friend James Mill that he had made the same declaration repeatedly from the Liverpool hustings in 1812. That, of course, was merely his own account; and others alleged that he had stated 'he was not of that party who wanted no government'—which, they said, could only mean that he was opposed to the Burdettites and the men of the Cartwright school.

On 21 June Lord Ellenborough pronounced sentence on Cochrane. A fine of £1,000, a year's imprisonment, and the punishment of standing in the pillory, were imposed. This last piece of ignominy, however, was wisely remitted, for Burdett avowed his intention of standing with him, and the government

¹ Add. MS. 27850, fo. 279.

had no wish to make Cochrane a popular hero. Two days later the livery of London held its annual parliamentary reform dinner, at which Place had arranged for Brougham to make his public declaration in favour of annual parliaments, equal electoral districts, and a suffrage coextensive with taxation. As it happened, another subject of much more universal interest was being discussed on the very night of the livery dinner. The affairs of the princess of Wales, who was at the time exciting a vast amount of attention, were being debated in the house of commons, and all the regular reporters were in attendance there. The result was that the newspaper reports of the proceedings at the dinner, and of Brougham's speech in particular, were extraordinarily poor. The *Morning Chronicle's* account was the best, but it occupied only half a column, whilst *The Times*, which, on the 16th, had given a list of the distinguished visitors who were expected to attend, omitted to make any mention whatsoever of the affair, the greater part of the news-sheet being devoted to a report of the debate in parliament. In a letter written on 29 May to the chairman of the Westminster Committee, Place had emphasized the fact that, whoever should be nominated by his party (and he fully expected that Brougham would be chosen), the candidate's written declaration of his adherence to the radical programme was of the utmost importance, 'not only to save a deal of trouble, but to give you a fair chance of success'. On the day following the livery dinner, therefore, Place, very dissatisfied with the reports of Brougham's speech, cut them out of two of his morning papers, pasted them upon sheets of writing-paper, and sent them to Samuel Brooks with a letter suggesting that they should be laid before the committee for its consideration, and then dispatched to Brougham for correction. That advice was followed; a deputation from the committee went to see Brougham at his rooms, and on the following day (Saturday, 25 June) James Mill brought Place a copy of the speech written out entirely anew by Brougham himself. Finding it quite satisfactory, Place sent it to Brooks, who caused it to be printed in the next number of the *Sunday Review*, a paper which had been supporting Brougham's candidature. A day or two later, Thomas Cleary, well known in the city as a stout reformer, happening to meet his friend Cartwright, congratulated him on having won over to the cause of radical reform such an able man as Brougham. Subsequent events showed how just was the major's estimation of the sincerity of Brougham's conversion. 'Depend on it, Cleary, you will find it all moonshine,' was Cartwright's unsympathetic reply. The autograph copy of Brougham's speech was carefully preserved in Place's library, and when, nearly three years later, Brougham, having broken with the radicals and

returned to the fold of whiggism, was violently abusing his late allies, Place presented Cochrane with the manuscript and instructed him to read it in the house of commons with the object of exposing his adversary's political apostasy.¹

The fundamental maxim of liberty [wrote Brougham] had been solemnly recognized in the face of the world, that *all power is from the people*; that they have a right to choose their government and dismiss their rulers for misconduct. . . . But the principles of Reform had been assisted also in their progress. Where is now the gag with which our mouths had for five and twenty years been stopped, as often as *we* have required that Parliaments should be chosen yearly, and that the elective franchise should be extended to all who pay taxes?

A fortnight after the second meeting of the reformers at the 'Crown and Anchor', a select meeting of six of Brougham's friends and an equal number of Major Cartwright's was held at the house of Samuel Brooks, with the idea of settling the difference that threatened to divide the ranks of the party of reform, and of preventing the scandal of two radical candidates opposing each other on the hustings. But in spite of their earnest endeavours, nothing was effected, and Alderman Wood persisted in his intention of proposing the major. 'It is supposed', said Place, 'he [i. e. Wood] has thoughts of being some day returned for Westminster himself, and that the present will be a good opportunity to introduce himself to the notice of the electors.'² Brougham, however, had powerful backing. Place himself was worth a multitude. He was strongly supported by the chairman of the Westminster Committee, and by James Mill. He was puffed in the *Sunday Review*, and Leigh Hunt, in his moderate radical paper, the *Examiner*, sang his praises. He wrote:

Mr. Brougham is understood to be the chief popular candidate . . . and *he*, in our minds, is the man of all men most fitted for the occasion. . . . Do they [i. e. the electors] want an active time of life? He is in the very prime of it. Do they look for a keen insight into men and things in general? Let them refer to his speeches and to the various publications that are attributed to him. Do they demand eloquence? We repeat the same answer. Do they naturally call for a man of business as well as knowledge, one who can be always ready in his place, who can meet any and every question, whom neither labour nor authority can daunt, who will make a sensation, as it is called, whenever he rises to oppose corruption? Let them remember the Orders in Council and the African Slave Trade, and all that he has said and done upon those subjects; let them remember that he alone on the former occasion went through a quantity of business that might reasonably alarm a committee; that he fought his way successfully through all the ministerial phalanx with their long habits of success, and that, in fine, it was he who made the iniquitous traffic above-mentioned

¹ Add. MS. 27850, fo. 277 ff.

² *Ibid.* fo. 285.

a felony. In a word, he is so truly the man for the seat, that till this unaccountable schism was started, people in general never presented to their minds any other person who could have the remotest pretension to dispute it with him. . . .

Like Mr. Sheridan he is a man of wit and taste, with independence and a character in addition ; like Mr. Cartwright, he is a Reformist, with youth, eloquence, and activity in addition ; but like himself perhaps alone, he is a man who unites the two extremes of genius and business in the same proportion, who can think like the leading man and work like the man of office, who can see things both nearly and at a distance, in the gross as well as the particular, and who while he is pursuing a question through all the tiresome intricacies of detail, can estimate it also in its effects, and apply it, whether petty or important, to the best and greatest interests of the country.¹

Brougham could count too upon the support of many of the advanced whigs who distrusted Sheridan. Henry Grey Bennet, the second son of the earl of Tankerville, and one of the 'Mountain', promised to subscribe money and to give the committee all the assistance he could. Lord Tavistock also pledged his hearty support. Whitbread, Creevey, Bennet, Grattan, Lord Ossulston, and Lord William Hamilton would all have attended the livery dinner, but for the important business that detained them at the house of commons.

On Tuesday, 5 July, Cochrane was expelled from the commons by a majority vote, and an election was thereby made necessary. Cochrane had never succeeded, as Burdett had done, in making himself the idol of his constituents, but the debate in parliament, the support given to him by many of the whigs, and his own vehement assertion of his innocence, combined to create in his favour a remarkably rapid revulsion of feeling amongst the Westminster reformers who had been indifferent about his fate. So much indeed was public feeling aroused that it soon became evident that neither Brougham nor Sheridan would have the ghost of a chance of being returned. Within twenty-four hours of the proceedings in parliament, Brooks and the rest of the Westminster committeemen who had favoured Brougham's candidature came to the conclusion that Cochrane ought to be supported. On the 6th Place wrote : ' Mr. Mill called in his way to attend a meeting at Brooks's. He said that Bennet, the member who had been so warm for Brougham, was now as warm for Cochrane, and he supposed the tide of popular opinion would run so strongly in his favour that it would be improper to propose Brougham.' Burdett too had decided to exert his influence on behalf of his late colleague ; and Major Cartwright determined to follow Burdett's example. An illuminating reference to

¹ *The Examiner*, 10 July 1814.

Brougham, written after the election, appears in the major's memorandum book :

Very different would be my feelings on this occasion, if, at the close of nearly forty years' faithful service, and immediately after having stood in the gap against the treachery of an unprincipled intrigue, I were to be unceremoniously dropped and cast off as a worn-out garment to clear the way for some Reformist whose patriotism, like some gay flower, expands only in the sunshine, and is shrivelled up at night, or in apprehension of a storm.¹

Every one now realized that to force a contest would be the height of impropriety. Francis Place, whilst he reluctantly accepted the changed situation, thought that Brougham, whom he desired to wean from whiggism and to place at the head of a strengthened radical party in parliament, ought to be kept next on the poll, lest the house of commons should declare Cochrane's re-election invalid, and make 'any vagabond who had ever so small a number of votes the sitting member'. Alderman Wood pertinaciously told Place on the following Friday that he too 'should concur in the attempt to return Lord Cochrane, and that if Brougham had been proposed, he would have nominated Major Cartwright himself'.² 11 July was nomination day, and at the meeting in Palace Yard a further proof of the almost universal change of opinion that had so quickly taken place was evinced by the reading of a letter from Sheridan, who also waived his claims in favour of Cochrane. Burdett's two resolutions, 'That in the opinion of this meeting Lord Cochrane is perfectly innocent of the offence for which he has been sentenced to receive an infamous punishment', and 'That it is therefore the opinion of this meeting that Lord Cochrane is a proper person to represent the City of Westminster', were carried with enthusiasm.³ A week later the election, which the nomination of only one candidate made a mere formality, took place in Palace Yard, and the high bailiff of Westminster, who presided over the proceedings, declared the expelled member duly elected. Burdett, congratulating his constituents on account of the unanimity that had been evinced, observed that it was the first occasion of its kind on which the government had not dared to put forward a candidate.

The house of commons prudently declined to provoke a storm similar to that which had burst upon it in the Wilkes affair half a century before, and no objection was raised to the newly elected member taking his seat. There was, no doubt, some point in Place's observation to his friend Mill, that one reason for the government's acquiescence in the choice of the electors was that the contaminated Lord was infinitely to be preferred as an opponent to Brougham, from whose onslaughts the treasury bench had so severely suffered.

A. ASPINALL.

¹ *Life of Cartwright*, ii. 78.

² Add. MS. 27850, fo. 287.

³ *The Times*, 12 July 1814.

Notes and Documents

William de Wrotham and the Office of Keeper of the King's Ports and Galleys

THE loss of Normandy created a new problem in English politics. Hitherto the frontier of the Angevin dominions had been a varying and ill-defined line in France, henceforward it was the English Channel. For the first time since the Conquest England experienced the full advantages and disadvantages of her insular position. The measures taken by John to cope with this new situation are of some interest not only in naval but also in general history, since they illustrate various tendencies in administrative development. The forces under John's control fall into three distinct groups: his own ships, the Cinque Ports fleet, and merchant ships impressed at periods of crisis. The story of naval administration under John is contained in his efforts to fuse these three groups into one under his sole control. In this story William de Wrotham plays an important part. His part in naval affairs is extremely obscure, and very few writers give any information about him.¹ The naval historians tell us little. Sir Harris Nicolas appears to find a difficulty in describing his position. He prints several writs addressed to Wrotham, and speaks of him as 'the Archdeacon of Taunton who was designated Keeper of the King's Ships or Keeper of the King's Galleys, and also Keeper of the Sea Ports', and adds that though one or two other persons bore the same titles, Wrotham seems to have been the chief officer.² Nicolas comments on the large number of clergy who appear as administrators of naval affairs under John, and remarks that no patent of the office of 'Keeper of the King's Ports and Galleys' is known to exist. The fact that Wrotham was archdeacon of Taunton immediately suggests one of those clerics who formed the backbone of the Angevin household, and who, as we now know, were rewarded for their

¹ See Sir Francis Twiss in Bracton, *De Legibus Angliæ* (Rolls Ser.), ii. 252. Miss H. M. Cam, *Studies in the Hundred Rolls* (Oxford Studies in Social and Legal History, vol. vi), p. 21, and Miss Norgate, *John Lackland*, p. 193.

² *History of the Royal Navy*, i. 144-5.

secular services by ecclesiastical preferment. Wrotham, then, *prima facie* appears to be a member of the household who was used by John in his efforts to organize the naval services of the country.

The problem which faced John was not small. Before 1204 the question of naval service on a large scale had hardly arisen, since the wars in Normandy had been waged by a large army, raised in Normandy itself or in the neighbouring Angevin dominions, reinforced by occasional boat-loads of men sent over from England.¹ Any naval threat by Philip Augustus could well have been met by the Cinque Ports fleet, which had its base opposite the small strip of coast which was under the control of Philip, and the favour with which Henry II had regarded the Cinque Ports is the measure of their value in this connexion.² John's attempt to reconquer Normandy, however, necessitated the assembling of a considerable naval force for the transport of a large army. It is typical of the methods of administration under John that the office in charge of this business should have had its origin in a definitely financial department. When Nicolas stated that no patent of the office of keeper of the king's ports existed, he was in all probability right. That office was rather developed from a slightly different one than definitely created for a distinct purpose. It is nevertheless strange that Nicolas should have overlooked a patent to Wrotham of an office which was directly connected with naval affairs, and which probably developed into the office that caused Nicolas so much perplexity. This patent is printed in the *Rotuli Litterarum Patentium* (a source of which Nicolas makes great use) and appoints Wrotham, together with Reginald de Cornhill and W. de Formell, as keepers of a fifteenth which was to be levied on all French merchants.³ Every port was to elect six or more of its wisest and wealthiest men together with one clerk and one knight to collect the fifteenth, and to be responsible to Wrotham and the other commissioners for it. The commission closes with provisions for the enforcement of the fifteenth on all mariners and shipowners, and with a prohibition of the export of wool except by permit of the 'capitales custodes portuum'. That we have here the real germ from which the later office of keeper of the ports, and perhaps even the admiralty itself, developed, there can be little doubt.⁴ The fifteenth mentioned was not a new imposition in 1204, as it had then certainly been in existence for two years, but it had

¹ On this subject see Powicke, *Loss of Normandy*, ch. vi.

² See A. Ballard, *ante*, xxiv. 732.

³ *Rot. Pat.* (Rec. Comm.), p. 42. The date is 4 June 1204.

⁴ It is interesting to note that during the fourteenth century the terms 'custodia' and 'admirallatus' were regarded as interchangeable; see Marsden, *Select Pleas in the Court of Admiralty* (Selden Soc.).

previously, in all probability, been dealt with by the bailiffs of the justiciar.¹

There were thus in 1204 three commissioners whose duties caused them to have large powers of interference in naval matters, and who had agents in every port. Obviously they would be of great assistance to John if he desired to co-ordinate the naval forces of his English dominions for a descent on Normandy. Whether his motive in appointing the 'custodes' was to secure this control or to relieve the overburdened justiciar of an onerous duty, or whether it was an example of his jealousy of Fitz-Peter, it is impossible to say. Of the men appointed we can learn something from the records of the period. William de Formell does not appear to have been a person of any note, but both Reginald de Cornhill and William de Wrotham were hard-working and important civil servants. Cornhill was a member of the famous London family of that name.² He was sheriff of Kent, and at one time king's chamberlain of London.³ The rolls are less explicit as to the position of Wrotham.⁴ The greater number of the writs to him are addressed to him as archdeacon of Taunton, though he is occasionally alluded to as 'custos portuum', 'custos quintedecimae', or 'custos galliarum'. There are, however, several reasons for assigning him a place in the royal household. He is constantly associated with Cornhill in matters which have no connexion with naval affairs. In 1204 a 'compute' is issued in his favour for £4 16s. expended in the purchase of wax.⁵ In 1205 he is keeper of the revenues of the see of Winchester,⁶ and in the following year, together with Cornhill, keeper of those of the see of Bath.⁷ At various times we find him making purchases for the king and making various payments. When Hubert de Burgh's lands were 'in manu regis' he was ordered to grant the church of Erche to Henry of Hereford. Perhaps most important of all is his appearance in the famous and much-discussed writ ordering the citizens of London to elect twenty-four citizens to take counsel for the improvement of the city, where he is named, once more with Cornhill, as supervisor of the election.⁸

On this evidence we are justified in assuming that Wrotham, like Cornhill, was a member of the king's household and, most probably, of the wardrobe. The fact that he is apparently nowhere referred to as 'clericus noster' would not invalidate the assumption,⁹ since it is quite likely that the ordinary tendency of John's chancery would be to address him by his ecclesiastical

¹ *Rot. Pat.* p. 14 b.

² See Round, *Geoffrey de Mandeville*, app. K.

³ *Rot. Pat.* p. 146.

⁴ The liberate rolls unfortunately give us very little information about him.

⁵ *Rot. Claus.* i. 11.

⁶ *Ibid.* p. 17 b.

⁷ *Ibid.* p. 63 *passim*.

⁸ *Ibid.*

⁹ I am indebted to Professor T. F. Tout for this information.

rank in preference to a less dignified title. The immediate result of his commission as 'custos quindenae' appears to have been to turn Wrotham's attention mainly to naval matters. For some time after the issue of the commission he and his fellow commissioners receive numerous writs as 'custodes or ballivi quindenae'; gradually the titles of 'custodes galliarum' and 'custodes portuum' become more frequent. It should be noted that the latter is in all probability an abbreviation of the full title 'custodes quindenae portuum' which is used in the commission. The title 'custos galliarum' as applied to Wrotham and Cornhill opens up an interesting problem, which must unfortunately be left unsolved for the present. The patent and close rolls afford us no information about Wrotham prior to 1204, so that it is impossible to say whether he was, before that date, one of the keepers of the small fleet which belonged to John. Our only definite information as to the numbers and keepers of this fleet is contained in an entry on the dorse of the close roll of 1205.¹ This shows that seventeen ships stationed at Romney, Rye, Shoreham, Southampton, Winchelsea, and Exeter were under the charge of Wrotham, whilst ten stationed at London, Newhaven, and Sandwich were in the charge of Reginald de Cornhill. How far back the connexion between these two officials and the king's ships dates is a matter for conjecture, but the probability is that it dates at the latest from their commission as keepers of the fifteenth. At any rate two of the commissioners for collecting the fifteenth were also concerned with the custody of the king's ships.

The abortive expedition against France in 1205 brought a considerable amount of naval work to Wrotham. Preparations seem to have begun in April, when the bailiffs of Cornwall, Devon, Bristol, and Wales received a mandate to impress fit workmen and sailors to repair the king's ships and conduct them to Portsmouth.² That John did not intend to leave England defenceless is shown by a writ ordering the towns of Yarmouth, Luddingland, Beccles, and Orford to choose two 'rectores', with two masters and 150 good mariners, and send them to London by the quinzaine of Easter to take charge of two of the king's galleys assigned for the defence of their ports.³ This writ gives the impression that John did not expect to encounter any serious naval opposition on his journey to Poitou, but was inclined to fear an attack from the direction of Flanders,⁴ and therefore preferred to use the smaller ships of the Cinque Ports fleet for his expedition. He may of course have been unwilling to expose his own ships to

¹ *Rot. Claus.* i. 33.

² *Rot. Pat.* p. 52.

³ *Ibid.* p. 52 b

⁴ It was expected that the count of Boulogne would invade England (*Histoire de Guillaume le Maréchal*, iii. 182).

the dangers of a long voyage. However, the whole expedition was a fiasco ; John assembled the fleet and army at Portsmouth 'about Whitsuntide', that is towards the end of May, and finding that the barons refused to support him, set sail, but returned on the third day. The expenses of the expedition, failure though it was, seem to have been heavy, and Wrotham seems to have acted as paymaster. On 8 June a 'compute' was issued in his favour for £130 10s. for the expenses of ships and galleys and mariners,¹ and a 'liberate' was issued for £340 for the expenses of ships, galleys, sailors, and the purchase of a mast.² Wrotham also heard the account of the expenses of the bishop of Norwich in purchasing stores for the ships of Norfolk and Suffolk, for which a 'liberate' was issued on 11 June.³ The main expedition had, in all probability, been abandoned by 9 June 1205, and the writs of 'liberate' issued on that date were probably to pay off the crews and disperse the fleet. For the remainder of the year we hear little of Wrotham as a naval administrator. In July he surrendered the castle of Taunton to Peter de Taraton, and in the following month is seen purchasing the king's wine. In November, however, his naval duties begin afresh, for on the 10th of that month he is directed, together with Reginald de Cornhill, to supervise the conduct of an assize in all the ports of the realm.⁴ Unfortunately the writ is damaged and it is impossible to ascertain the nature of the assize, but from the mention of 'our mariners' it is evident that it had some connexion with the naval forces. By this time, Wrotham has ceased to be referred to as 'custos quindenae'. He is generally styled arch-deacon of Taunton, but occasionally 'custos portuum' or 'custos portuum et galliarum'.

In 1206 John hoped to make an attack on Poitou with more success than in the previous year, and his preparations began early. As a preliminary movement he seems to have sent an expedition to the Channel Islands, for on 29 April a 'compute' was issued in favour of Wrotham and Cornhill for £138, being forty days' wages to 275 mariners sent to the islands in five galleys and three great ships. The main expedition of the year assembled at Portsmouth at the close of Pentecost and set sail on 25 June, reaching La Rochelle on 8 July.⁵ Active preparations started by the end of April or beginning of May, and Wrotham's duties seem to have considerably increased since the previous year. In 1205 his main duty had apparently been that of paymaster, but in 1206 he seems to have added to this duty the general organization of the naval side of the expedition. On 1 May

¹ *Rot. Claus.* i. 39 b.

² *Ibid.* p. 36 b, but cf. *ibid.* p. 42.

³ *Ibid.*

⁴ *Ibid.* p. 57.

⁵ Wendover, *Flores Histor.* (Rolls Ser.), ii. 13. Whit-Sunday fell on 21 May.

he purchased 40 'summae' of oats for the king's use and had them sent to Portsmouth,¹ and on the 12th he is charged with the command of the Cinque Ports fleet.² A recruiting expedition was dispatched to the Channel Islands to secure ships and mariners. The muster rolls, to use a later phrase, were to be sent to Wrotham without delay. On 24 May he and Cornhill received a 'compute' for 40 marks, evidently paid in imprests to the sailors at Portsmouth. Whether Wrotham went to Poitou or not it is impossible to say, but his duties in connexion with the expedition were not ended when it sailed, since on 3 October an account of the expenses of the passage to Poitou was remitted to the justiciar with a mandate to pay out to Wrotham £889 15s. 9d. sterling, less 250 marks which he received in the chamber, but with the addition of what he expended by the verdict of jurors in the expenses of eleven ships which went to Poitou on the king's service.³ Probably, then, Wrotham remained in England to look after the supply of ships sent to Poitou, as the eleven mentioned in the writ probably crossed later than the main body. John returned from Poitou on 12 December, and on 10 January 1207 a 'liberate' for £91 10s. 3d. was issued in favour of Wrotham for the wages of the sailors who composed the fleet which brought the king back.⁴ In February he was ordered to pay £10 9s. to Odin de Hampton, being the arrears of payment for his ship which transported the wardrobe from Poitou,⁵ and in April received a 'compute' for 20 marks spent on repairs to the king's ship in which he returned from Poitou. The supremacy which Wrotham had gained by this time over the Cinque Ports fleet shows that John had already realized the necessity for taking into his own hands the control of that important section of a medieval naval expedition. From adopting this as a temporary expedient to making it a permanent part of the royal policy was no long step.

From the naval point of view the year 1207 was uneventful, but one interesting writ shows the extent of Wrotham's power over the coast at a time when no great naval armament was in being, or even in preparation. On 12 October certain men of Bayonne were licensed to purchase wheat at Sandwich and Southampton, under security to take it only to Bayonne. Wrotham was charged with seeing that this was done.⁶ This may have been under his commission of 1204 as 'custos quindenae' to which we get a last direct reference in July 1207, when Wrotham or his deputies were ordered to hear the accounts of the fifteenth for all the ports of Norfolk and Suffolk. The interesting point about

¹ *Rot. Claus.* i. 69 b.

² *Rot. Claus.* p. 74 b.

³ *Ibid.* p. 78.

⁴ *Rot. Pat.* p. 64 b.

⁵ *Ibid.* p. 76.

⁶ *Ibid.* p. 94.

the former writ is that it shows Wrotham in a position of importance in one of the Cinque Ports, although he was not warden.¹ How he obtained this power is uncertain, but it points to a centralizing tendency in naval matters. Wrotham was also employed during 1207 on several non-naval matters. Probably as a reward for his services in the previous year, he received in the early part of the year two churches (Warden in Sheppey and East Malling) and the forest of Devon, Cornwall, and Somerset, with power to appoint his brother Richard as his deputy.²

In 1208 he was once more employed in the naval affairs of the kingdom. In February he was granted his expenses in sending out messengers to the ports to prohibit ships from sailing.³ This probably refers to the attempt made by John to prevent rebellious clerks from going to Rome. Wrotham again appears later in the capacity of a practical naval expert supervising repairs to the king's galleys and dockyards at Southampton and Portsmouth.⁴ John's naval preparations for 1208 seem to have been on an even larger scale than those of the preceding year. He ordered the Cinque Ports and the ports of the other maritime districts to have all their ships at his disposal by 1 June, and directed that full lists of the ships, together with the names of their owners, should be sent to Wrotham by 27 April. Writs were also sent to the Cinque Ports and certain other ports on the south coast ordering them to provide for the manning of the king's galleys at the king's cost as Wrotham should direct.⁵ At the same time restrictions were placed on exports. Wrotham was charged with the duty of preventing any person from conveying wheat, horses, or arms abroad, but other merchandise might be exported.⁶ This is evidently what would have been termed in the eighteenth century a 'hot press'. It was destined to become even hotter when, on 8 April, Alan Young of Shoreham, Vincent of Hastings, Walter Scot and Wimund of Winchelsea were ordered to arrest any ships found at sea and conduct them to England. A clause in the writ demands the assistance of all merchants in coercing any ships which refused to obey.⁷

Wrotham's duties, however, went further than supervising the impressment and organizing the fleet, as is proved by an interesting patent issued on 26 May. This instrument directs various commissioners in all the maritime counties of England (except the palatinates and Cumberland) and in Wales to arrest, with the assistance of the wardens of the seaports and the bailiffs

¹ It is possible that he obtained this power because the lands of Hubert de Burgh were 'in manu regis' (cf. *Rot. Pat.* p. 58 b) or by reason of the vacancy at Canterbury (cf. *Rot. Claus.* i. 189 b). But Wrotham was not Hubert's deputy.

² *Rot. Pat.* pp. 58, 60, 68.

³ *Rot. Claus.* i. 102 b.

⁴ *Ibid.* i. 103.

⁵ *Rot. Pat.* p. 80.

⁶ *Rot. Claus.* i. 106.

⁷ *Rot. Pat.* p. 81.

of Wrotham, all ships found in their respective districts except those of Denmark, Norway, and other countries not opposed to John.¹ These writs show the pitch to which John had raised the organization of the navy. Wrotham now appears to have his bailiffs in every port and all naval arrangements of the country seem to be in his hands. He himself was the local commissioner for the county of Southampton and hence would have control of Portsmouth and Southampton, both favourite ports of embarkation. He now ranks as superior in the naval organization of England to his former colleague, Reginald de Cornhill, who only appears as local commissioner for Kent, Middlesex, and London. The whole organization is strikingly similar to that of the later admiralty, when there is an admiral whose jurisdiction at first covers the south coast from the Thames to the Bristol Channel but is later extended to include the whole coast, and who has under him vice-admirals with a local jurisdiction embracing the ports of one or more counties. Throughout the whole of the summer of 1208 Wrotham was engaged in this naval work. In September the barons of the Cinque Ports and all other mariners summoned to Portsmouth were ordered to send such ships as Wrotham should choose to the ports and places named by him. The remainder were to await the king's arrival at Portsmouth and meanwhile to obey the commands of Wrotham.² It was probably as a recompense for his services that Wrotham received on 23 October of the same year a confirmation of numerous lands in Westminster and elsewhere.

The unfortunate gap in the chancery enrolments prevents our seeing the working of this well-developed naval organization during the next few years, when Wrotham and his subordinates were doubtless busy in preventing papal messengers from landing in England. So far as can be learned the system was still working in 1212, when the patent and close rolls begin once more to give information about the work which Wrotham was doing. In May he was repairing or constructing a dockyard at Portsmouth, for the sheriff of Southampton was ordered to build a surrounding wall under Wrotham's direction for the safe keeping of the king's ships and galleys.³ The raiding of the French coasts was still going on and Wrotham took charge of vessels which had been captured. On 20 May he was ordered to deliver the ship *Countess*, which had been captured by the king's galleys, to William, earl of Salisbury, and on the same date a mandate was issued directing him to send to the Tower of London the cloths which came to Portsmouth in three ships captured by the fleet at Barfleure.⁴ On various other occasions in the summer he received similar mandates.

¹ *Rot. Pat.* pp. 83 b-84.² *Ibid.* p. 86.³ *Rot. Claus.* i. 117.⁴ *Ibid.*

The threatened invasion by Philip of France in 1213 caused John to mass a fleet and army in the south to protect the country. His preparations were on a scale which excited the wonder of contemporaries. At first sight it would appear that Wrotham was no longer the chief organizer of naval service. He is not mentioned in the patent directing the enrolment in each port of all ships capable of carrying six or more horses, and ordering all such ships to be at Portsmouth, well manned and equipped, by 3 March.¹ Nor is he mentioned in an order of 21 August directing that all 'stirmani' and masters of ships of the Cinque Ports should be in their ports by 2 February 1214, ready to go on the king's service; nor does his name appear in a similar writ directing the sailors of Bristol, Wales, and Ireland to assemble at Dartmouth: in these two documents the executive officers named are Walter Scot and Philip 'clericus' respectively.² It is possible that Wrotham may have been out of the country or that he was in charge of the whole armament, which, according to Wendover, was divided and based on Dover, Faversham, and Ipswich;³ but the records afford very little information about the fleet which, under Salisbury, destroyed the fleet of Philip Augustus in the harbour of Damme, or about John's abortive attempt to shame the barons into following him to Poitou. Wrotham was still in favour later in 1213. He was ordered to deliver to William de St. John certain prisoners who had been captured by the king's galleys (perhaps at Damme) and who were in his custody. Three days later a letter ordered all 'stirmani' and mariners to be at Portsmouth by 2 January 1214, prepared to go on the royal service as Wrotham would more fully explain.⁴ As he had received the grant of a prebend in the church of Hastings in November, we may safely assume that he was still in favour with John.⁵ Walter Scot was probably Wrotham's local agent, for on 23 December 1213 the Cinque Ports were ordered to have their ships and men in readiness for the king's service as Wrotham should direct by his letters patent, and as Walter Scot, Alexander de Norwich, and William de Farleg should inform them on the king's behalf.⁶ Wrotham again used letters patent when, on 22 December, he sent his clerk to instruct the sheriffs and bailiffs of the sea-ports in Sussex, Hampshire, Devon, Somerset, Dorset, and Cornwall what to do with the men and ships collected for the expedition of 1214.⁷ He was still concerned in naval business over a year later, for on 16 March 1215 he received a 'compute' for his expenses in fitting out two galleys at Portsmouth

¹ Rymer, *Foedera* (Rec. Comm.), i. 110.

² *Rot. Pat.* p. 103 b.

³ *Rot. Pat.* p. 106 b.

⁴ *Ibid.*

⁵ Wendover, *Flores Hist.* ii. 68.

⁶ *Ibid.*

⁷ *Ibid.*

and in going to Devon and returning thence, and in May he was ordered to find a passage for certain messengers.¹

By September 1215, however, Wrotham appears to have cast in his lot with the opposition. In that month he had to surrender the forest of Somerset to John Marshall² and the castle of Lidford to William Espec.³ He also appears to have lost his position in naval affairs, for the barons of Winchelsea were ordered to deliver to Paulinus de Mara a ship which he had given to Henry de St. Albarga; and on 6 December 1215 the archdeacon and chapter of Exeter were ordered to hand over to Robert of Courtenay 700 marks which Wrotham had deposited with them.⁴ On 12 May 1216 a safe-conduct was granted to Wrotham, saving the account which he was bound to render to the king.⁵ Whether Wrotham availed himself of this instrument is uncertain, but it is most probable that he did not, and that he never again saw the master whom he had served so long. In common with many others who espoused the baronial cause he returned to his allegiance in 1217, and on 25 July of that year regained his lands in Cornwall, Somerset, and Devon.⁶ He did not, however, enjoy them for long, for in February of the following year John Marshall, who as we have seen had once held the lands of Wrotham, made fine for the wardship of the heir of Richard de Wrotham and William de Wrotham, and early in the next month obtained seizin of the lands of Richard heir to William de Wrotham and Richard de Wrotham in Kent and Surrey.⁷ The account which Wrotham ought to have rendered to John was never settled and Wrotham consequently attained the distinction of being mentioned in the articles of the eyre: in the Cinque Ports eyre of 1227 inquiry had to be made concerning ships captured by him.⁸ The co-ordination of the various forms of naval service established under his direction lapsed during the reign of Henry III. Naval matters in general were confided, first to local officials known as 'custodes marinae', later to the sheriffs of separate counties. The king's ships and galleys fell under the control of obscure persons, probably practical seamen, such as Jeremiah of Rye, while the naval armaments dispatched against France were usually confided to persons appointed *ad hoc* who had little or no concern with the organization of naval services as a whole. Yet the career of Wrotham is interesting as showing that he performed functions such as later pertained to the office of admiral. How far Edward I in founding that office may have been indebted to the precedent set in his grandfather's reign is a question worthy of investigation.

F. W. BROOKS.

¹ *Rot. Claus.* i. 193.

² *Rot. Pat.* p. 155 b.

³ *Ibid.* p. 154.

⁴ *Rot. Claus.* i. 227 b; *Rot. Pat.* p. 160 b.

⁵ *Ibid.* p. 180.

⁶ *Rot. Claus.* i. 316 b.

⁷ *Ibid.* i. 353.

⁸ Bracton, *De Legibus Ang.* ii. 252.

Representation of Cities and Boroughs in 1268

THE subjoined document has been recently discovered at the Public Record Office amongst the Miscellanea of the Chancery, and is now included in the class of documents known as Parliament and Council Proceedings.¹ It is a single membrane, 14" x 7", in a fairly good state of preservation, though in several places where the surface of the parchment has worn away, a few words have become illegible. The evident speed with which it has been written is responsible for its loose grammatical constructions. There can be little doubt that it is a fragment of council memoranda, made for the guidance of the chancellor and serving perhaps as the only warrant that the chancery had for the issue of the letters under the Great Seal to which it refers. The meeting of the council, whose deliberations are here recorded, was probably held at Westminster on or shortly after 26 March 1268. The reference to the sealing of the charter of London is especially valuable in establishing the date. This particular council could not have been held before Friday, 23 March, because on that day Henry III called before him and his council the citizens of London and confirmed to them all but one of their ancient privileges of which they had been deprived for opposing the king during the late rebellion.² The actual charter of remission and confirmation bears the date 26 March,³ and in the present state of our knowledge of chancery practice in the time of Henry III, when we know of no letters under the privy seal or under the signet, it is only possible to take the common-sense view that as 26 March is the date from which the privileges conferred by the charter were intended to run, the king had given his definitive sanction to the granting of this charter by that date. The process of sealing the charter was, of course, subsequent to its sanction, and the deliberations of the council are definitely stated in the memoranda to be 'de carta Londonie signanda', but it is impossible to assign a date much later than 26 March, as it is improbable that the sealing of so important an instrument could have been long delayed.

By far the most important feature of the memoranda is the draft of the writ of summons issued to twenty-seven selected cities and boroughs, ordering them to send representatives to Westminster on 22 April to have special treaty and colloquy with the king on certain urgent business. There is no evidence that London received a writ, though it is very improbable that

¹ Parl. and Counc. Proc., 66/6. A manuscript list is in the Public Record Office.

² *Liber de Antiquis Legibus* (Camden Soc.), p. 101.

³ *Cal. of Charter Rolls*, ii. 98; *Historical Charters of City of London*, ed. Birch, pp. 38-42.

it was unrepresented.¹ The Cinque Ports, which had fought so vigorously against the king, were to have their representatives nominated by Roger de Leyburne.² As in 1265 and 1283, the writs in 1268 were sent, not to the sheriffs, but direct to the cities and boroughs, and required the return of the mayor (or bailiffs) and six of the more discreet men, an unusually large number as compared with two in 1265, six or four in 1275 (so far as is known, four only were sent), two in 1282, and two in 1283. From 1295 onwards it was usual to summon two members only by writs addressed to the sheriffs. Each of the boroughs named in the memoranda was represented again at least once during the next reign. It has been suggested that the last six years of Henry III's reign may have seen borough representatives regularly summoned to meet the king, but the evidence that could be adduced was based mainly on the equivocal statements of chroniclers.³ The document printed below provides the first positive evidence that the precedent established by Simon de Montfort in 1265 had not been forgotten in immediately succeeding years. ⁴ Another interesting feature of the writ is the order that the representatives should come supplied with letters patent under the borough seal 'sub forma quam vobis mittimus presentibus interclusa'. The common form enclosed with the writ was to announce the names of the representatives and also to empower them to act for the whole community of their borough. It thus provides the first known instance of the formal return of the names of the representatives chosen, a practice which became general in the following reign.⁵ Much more important is the requirement that the representatives should bring what was virtually a power of attorney to act for their respective constituencies.⁶ This had not been demanded by the writs summoning representatives to

¹ There seems to have been no writ sent to London for the parliament of 1265 (G. W. Prothero, *Simon de Montfort*, p. 308).

² He was at this time warden of the Cinque Ports and the most powerful man in Kent.

³ Maitland, *Const. Hist.*, p. 73. The Statute of Marlborough of 1267 is said to have been enacted 'convocatis discrecioribus regni tam maioribus quam minoribus'. Cf. *Ann. Mon.*, iv. 226, where it is stated that representatives of cities and boroughs were summoned in 1269 to assist at the translation of the body of Edward the Confessor to Westminster Abbey, though it may be questioned whether they remained for the subsequent parliament, at which a twentieth of the movables of all laymen was granted to the king. The same obscurity overshadowed the parliament of 1275 until the fortunate discovery of writs of summons to cities and boroughs, for which see C. H. Jenkinson, 'The First Parliament of Edward I', *ante*, xxv. 231-42.

⁴ For the remainder of this paragraph I am indebted to the generosity of Mr. J. G. Edwards of Jesus College, Oxford.

⁵ Cf. *ante*, xxv. 231, n. 2.

⁶ With the sentence 'et nos quicquid in premissis nomine nostro fecerint ratum habebimus et acceptum' in the common form of 1268, cf. 'ratum et gratum habituri quicquid dictus R. procurator super premissis duxerit faciendum' in a specimen power

the assemblies of 1254, 1264, and 1265, nor was it required by the writ for the first parliament of 1275. In 1283, however, the representatives of shires and boroughs were to have 'plenarium potestatem',¹ and from 1290 this became a regular requirement. From the legal point of view this *plena potestas* of representatives was of great importance in the theory of parliamentary representation, and its first-known appearance in connexion with the borough representatives in 1268 is thus a matter of considerable interest.

The meeting of Ottobono's legatine council, in which the ecclesiastical hierarchy of four countries is said to have been represented,² at St. Paul's on 22 April, seems to have been taken as a convenient occasion at which to summon lay representatives to meet the king and his council at a season when they were accustomed to hold solemn conference. The task of reconstruction, especially in relation to the Dictum of Kenilworth, was a matter of grave national concern. The chief object of Ottobono's mission was the work of pacification, and this could never be performed until the position of the disinherited had been thoroughly investigated and some attempt made to alleviate the hardships resulting from the forfeitures and redemptions which followed hard upon the barons' wars. In consequence, besides posthumously absolving Simon de Montfort and his adherents from the sentence of excommunication which had been proclaimed against them,³ Ottobono sanctioned the imposition upon the already heavily taxed clergy of a twentieth, which was intended as a peace-offering to the king to aid the disinherited to redeem their lands.⁴ There are strong grounds for the belief that the Dictum also provided the reason for summoning lay representatives to the council at Westminster. Not only were the twelve executors to be present, but also Robert de Ferrers, last earl of Derby, for the redemption of whose lands special provision had been made in the Dictum itself.⁵ The clergy would seem not to have been the only class that might be taxed: there

of attorney printed by Madox, *Formulare Anglicanum*, p. 346. The phrase 'ratum et gratum', &c., frequently appears in the formal 'powers' of borough representatives in the fourteenth century (Prynne, *Brevia Parliamentaria Rediviva*, pp. 274, 285, 287).

¹ *Parliamentary Writs*, i. 10.

² *Liber de Antiquis Legibus* (Camden Soc.), p. 102: 'concilium suum generale . . . in quo fuerunt presentes, vel per se aut per procuratores, omnes Archiepiscopi, Episcopi, Abbates, et Priores, Decani, Prepositi, et Archidiaconi totius Anglie, Hibernie, Schochie, et Wallie.' In *Ann. Mon.* iv. 215-16, the council is said to have begun Monday, 23 April, and finished 'infra triduum'.

³ *Florence of Worcester* (Eng. Hist. Soc.), ii. 201.

⁴ J. H. Ramsay, *Dawn of the Constitution*, pp. 265-6; *Letters from Northern Registers* (Rolls Series), ed. Raine, pp. 15-18.

⁵ W. J. B. Kerr, *Higham Ferrers and its Ducal and Royal Castle and Park*, pp. 21-6. He was kept a close prisoner at Windsor until May 1269 and never succeeded in recovering his lands from Edmund of Lancaster.

still remained the burghers. The use of the word 'dicioribus' may be peculiarly significant of the idea that was uppermost in the minds of the clerk and of those whose deliberations he was recording.¹ A financial motive is usually, and perhaps in this case also, to be found.² But it is entirely a matter of conjecture. The complete silence of the chroniclers, though it cannot be taken as evidence that the writs were not issued or obeyed, is at least unexpected in view of the coincidence of the lay assembly at Westminster with the legatine council at St. Paul's. It is conceivable, however, that they may have regarded a summons of this kind as uninteresting. In any case, whatever may have been the reasons for summoning the council, it seems to have been abortive in its results; no trace can be found of any lay subsidy having been granted, and perhaps the king had to be satisfied with the tallage soon afterwards assessed.³ G. O. SAYLES.

Parl. and Counc. Proc., File 66, no. 6.

¶ Memorandum. de litteris domini regis mittendis consiliariis domini regis. quod sint apud Windesoram in crastino [clausi] Pasche. . .

¶ Mandatum est eisdem qui non fuerunt⁴ apud Windesoram. quod sint [Westmonasterii] * ibidem [Londonie] * die * iouis proximo post *

* These words are struck through in the manuscript. Interlineations are shown between square brackets and conjectures in italics. I am indebted to Mr. C. Hilary Jenkinson for much valuable help in the elucidation of several difficult passages.

¹ Cancelled in the writ in favour of 'discrecioribus'.

² Memoranda Roll (L.T.R.), 53 Hen. III, m. 4 d; the sheriff of York was commanded under heavy penalties to collect the Crown debts in his county because 'in partibus Anglie quam transmarinis quedam negocia arduissima expedienda, tam propter stabilitamentum seu reformationem pacis regis quam alia, que sine magna summa pecunie rex nequivit expedire'. The writ is tested 21 November 1268-9. Knights of the shire, who received writs of summons for the first time in 1254, were usually present whenever the burgher element was represented, but we must be aware of the intrusion of modern ideas in wondering why they were not summoned on this occasion. The practice of representation was still experimental, the king took counsel when and from whom he wished, and in any case it must be remembered that the burden of the recent convulsion had fallen most heavily on the counties.

³ *Cal. of Pat. Rolls, 1266-72*, pp. 226-7; Close Roll, 52 Hen. III, m. 5.

⁴ The reading is undoubtedly 'fuerunt', which would imply that the whole of the second paragraph was written after the meeting of the council at Windsor on 16 April. This allows only two days for summoning the councillors named and letting them reach Westminster. Moreover, it is unlikely that this document, which may have served the purpose of a chancery warrant, would have been allowed out of chancery for further use. If, as seems probable, 'fuerunt' is an error on the part of the clerk for 'fuerint', we have to suppose either that the clerk knew at the time when this document was written—about 26 March—who could and who could not be present on 16 and 18 April respectively, or that the names were added later. The latter conjecture may be correct, as the names seem to have been written by a different hand; there is distinct evidence of crushing, which caused a further list of councillors who were to come on 18 April to be given under the list of boroughs; whilst the fact that the date at the side of this second group of councillors is given correctly suggests that the paragraph in which it occurs was written after some of the correcting in the second paragraph.

[mercurii ante] xv Pasche. R. R.¹ W. de Valencia. Ph. Basset. R. de Leyburne. R. de Aguilun. J. de la Linde. R. de Somery. W. de Mertone.

¶ Scribendum est pro certis personis de quinque portubus quas dominus R. de Leyburne debet nominare. et pro certis personis de ciuitatibus. et burgis. videlicet quod balliui et sex alii earundem de discreciis. maioribus. et dicioribus. quod sint Londonie a die Pasche in xv dies. videlicet de burgis et ciuitatibus propinquieribus.² ad tractandum [et consulendum] de negociis domini regis et regni et ipsos tangentibus. et quod portent secum litteras de credencia patentes. omnibus directas. sigillatas sigillo communitatis earundem ciuitatum et burgorum. in instanti concilio Londonie conuocato et celebrando.

¶ Item de littera domini regis mittenda domino regi Francie de negocio burgensium Sancti Audomari. ad respondendum. pro domino Edwardo de nouo auxilio.

¶ De littera domini regis mittenda domino Ade de Gesemuthe³ pro negocio G. de Eyuille citra Pentecosten.

¶ Item de carta Londonie signanda.

¶ Item scribatur executoribus et [xii] dictoribus dicti de Kenilleworthe. quod veniant ad xv Pasche. Scribatur comiti de Ferrariis ad xv^{am} quod sit apud Westmonasterium.

†legatus	†episcopus	Johannes de	†episcopus Wigor-
	Meneuensis	Verdun	nensis
†H filius regis	†Alanus la	R. Waleraund	†Warinus de
Alemannie	Zuche		Bassingbourne
†episcopus	†Rogerus de	J. de Baillol	†Comes Gloucestrie
Batoniensis	Somery		† ⁴

¶ Item de littera thesaurarii et eius negocio. L marcas etc. ad ipsum thesaurarium ante Britannia et regem Alemannie.⁵

¶ De castris committendis vicecomitibus.⁶

¶ Balliuis ciuitatis Londonie. cancellario. thesaurario. Leyburne. Aguilun. in negociis specialibus regis quod *fidem etc.* et consilium et auxilium etc. ex parte regis.⁷

Rex dilectis et fidelibus suis * balliuis et ci * maiori et ciuibus suis Eboraci salutem. Quia super arduissimis negociis nos et * regnum nostrum *

¹ ? Rex Ricardus, an opponent of the wild schemes of disinheritance. He did not leave for Germany until 4 August 1268.

² The use of this word is very curious. The choice of the nearer towns is probably due to considerations of haste, but they are by no means so very near. The list of towns shows traces of a different or at least a more hurried hand, and may have been written at a later time than the rest of the document; cf. p. 583, n. 4.

³ One of the justices appointed to hear pleas of lands given beyond Trent (*Cal. of Pat. Rolls, 1266-72*, p. 281).

⁴ The faint indications of a 'P' and 'ss' would suggest Ph. Basset.

⁵ This refers to the grant of a wardship of the value of £50 or £60 made by the king to Master Thomas de Wymundham, the treasurer, on 22 November 1267-8, which he was now to have prior to the fulfilment of similar grants made to John of Brittany and Richard, earl of Cornwall. Cf. *Cal. of Pat. Rolls, 1266-72*, pp. 168, 218, 250.

⁶ About this time the castle of Carlisle was committed to William de Acre, sheriff of Cumberland, and the castle of Colchester to Richard de Herlawe, sheriff of Essex and Hertford (*Cal. of Pat. Rolls, 1266-72*, p. 218).

⁷ A large cross has been made in the margin against this item.

statum et communitatem regni nostri * et vos * tangentibus. et *presertim* in * instanti * concilio * Londonie * per legatum Londonie conuocato in instanti quindena Pasche. vobiscum ac aliis fidelibus dicti regni nostri quos ad hoc fecimus conuocari [et sine quibus negocia ipsa nequiunt expediri] tractatum et colloquium habere volumus speciale. vobis mandamus in fide. homagio. et dileccione quibus nobis tenemini. firmiter iniungentes. quod statim visis litteris istis. omnibus negociis pretermis- sis. ad nos sub omni festinancia vsque Westmonasterium * veniatis * dictum maiorem cum balliuis et sex probioribus * dicioribus * discrecioribus. et potencioribus * ciuitatis predictæ [hominibus] * hominibus . . . cum litteris vestris patentibus sigillo communitatis vestre signatis. sub forma [quam vobis mittimus] presentibus interclusa *venire faciatis*. Ita quod sint ibidem in instanti quindena Pasche ad vltimum. ad faciendum ibidem super premissis quod de communi consilio regni nostri duxerimus prouidendum. Et hoc * sicut nos * nullo modo omittatis. T.

†Ebor'	†Brist'	†Gernem'
†Linc'	†Winton'	†Gippewic'
†Norht'	†Sutht'	†Dunwic'
†Stanf'	†Cantuar'	
†Norwic'	†Cycestr'	
†Cant'	†Roff'	
†Lenn'	†Bathon'	
†Oxon'	†Couen' et Lich' † ¹	
†Wigorn'	†Exon'	
†Glouc'	†Ely	
†Salop'	†Sci. Edm'	
†Hereford'		

†Comes Warenne	†Alanus la Zuche	
†R. de Clifford	†J. de Chishulle	die * iouis * mercurii
†R. de Mortimer		ante xv ^{am} sint apud
†R. Waleraund		Westmonasterium.
†W. de Valencia		

[DORSE]

Omnibus Christi fidelibus ad quos presentes littere peruenerint. maior [vel balliui] et tota communitas ciuitatis Eboraci salutem in domino. Pro negociis dominum nostrum H. regem Anglie illustrem et regnum * suum * [et communitatem] Anglie et nos in concilio * Londonie * per legatum in instanti quindena Pasche Londonie conuocato tangentibus talem maiorem nostrum et balliuos et conciuos [vel conburgenses] nostros ibidem duximus destinandos * rogantes quatinus eis quibus * [vt eis] in hiis *que* in concilio vel occasione eius concilii super predictis negociis ex parte nostra [duxerint] exponenda. adhibeatur plena fides. Et nos quicquid ipsi in premissis nomine nostro * de consilio et precepto domini regis predicti * fecerint ratum habebimus et acceptum. In cuius etc. Dat. etc.

¹ The † before 'Couen.' and after 'Lich.' denotes the issue of two writs, one to each borough.

List of Visitation Articles and Injunctions, 1604-1715

IN the Alcuin Club's series, under the title *Elizabethan Episcopal Administration*, I have recently published a continuation, covering the years 1576 to 1603, of the *Visitation Articles and Injunctions* which were edited by Dr. W. H. Frere and myself for the period 1535-75; but the pressure of other work has compelled me to abandon the idea of carrying it beyond the latter of these two dates. At the risk of much incompleteness I have therefore decided to publish the following list as it stands, in the hope that it may be completed by some other worker, or at least that it will show the way to useful materials for social history down to the beginning of the primacy of Archbishop Wake. Except where a manuscript collection is specified, the library press-marks in the following list refer to printed books.

W. P. M. KENNEDY.

1604. Bridges's Articles for Oxford diocese : *Second Ritual Report*, p. 444.
 Chaderton's Articles for Lincoln diocese : *ibid.* p. 446.
 Bancroft's Articles for London diocese : Brit. Mus. 698. h. 20. (11).
 Jegon's Articles for Norwich diocese. (Thorp's Catalogue, 110 High St., Guildford, 1912. Printed by John Legat.)
1605. Barlow's Articles for Rochester diocese : Brit. Mus. 5155. c. 13.
 Bancroft's Articles for Norwich diocese. (Printed by Ralph Blower.)
 „ Metropolitan Articles : *Second Ritual Report*, 450;
 Brit. Mus. 698. h. 20. (12).
 „ Articles for Wells Cathedral : Bancroft Register, fo. 181
 (Wilkins, iv. 415).
 „ Articles for Norwich Cathedral : Norwich Institution
 Book, xxi (MSS. of Dean and Chapter : transcript
penes me).
 „ Articles for St. Asaph Cathedral : Bancroft Register,
 fo. 217.
1606. Bilson's Articles for Winchester diocese : Brit. Mus. 5155. c. 52.
1607. Babington's Articles for Worcester diocese : *Second Ritual Report*,
 p. 453.
 „ Injunctions for Worcester cathedral : MS. of Dean
 and Chapter, D. 366, p. 30.
 Bancroft's Injunctions for St. Mary's, Oxford : Wilkins, iv. 434.
1608. „ Injunctions for Winchester diocese : Bancroft Register,
 fo. 220.
 „ Injunctions for Canterbury Cathedral : *ibid.* fo. 226;
 Wilkins, iv. 436.
 „ Injunctions for Ely Cathedral : Bancroft Register, fo. 230^v.
 [Jegon's (?) Articles for archdeaconry of Norfolk : *Second Ritual
 Report*, p. 458.
 [Fotherby's (?) Articles for archdeaconry of Canterbury : *ibid.*

1609. Bancroft's Articles for Lichfield Cathedral: Bancroft Register, fo. 251 (Brit. Mus. T. 1013. (11)).
1612. King's Articles for London diocese: *Second Ritual Report*, p. 462.
Abbot's Articles for Bristol Cathedral: Wilkins, iv. 444.
1613. Neil's (?) Articles for Lincoln diocese: Brit. Mus. 1368. d. 34.
Smith's Articles for Gloucester Cathedral: Visitations of the Dean and Chapter (MSS. of Dean and Chapter).
1614. Neil's Articles for Lincoln diocese: Brit. Mus. 5155. c. 5. See for an account of this visitation, Univ. Lib. Camb. MSS., Baum. Papers, iv. ii. 200.
[Answers to] Abbot's Articles for Hereford diocese: Lambeth MS., Cart. Misc. ii. 7-10.
Cotton's Articles for Salisbury diocese: Brit. Mus. 5155. c. 6.
1615. Sharp's Articles for archdeaconry of Berks.: *Second Ritual Report*, p. 468.
[Goldman's] Articles for archdeaconry of Essex: Trinity College, Dublin, P. mm. 42. no. 30.
1616. Abbot's Articles for Worcester diocese: MS. of Dean and Chapter, D. 366, p. 6.
1618. „ Articles for Norwich diocese: Brit. Mus. 698. h. 20. (13).
„ Articles for Lincoln diocese: *ibid.* 1368. d. 35.
1619. Andrews's Articles for Winchester diocese: *Second Ritual Report*, p. 474.
Howson's Articles for Oxford diocese: *ibid.* p. 476 (Brit. Mus. 1368. d. 36).
Overall's Articles for Norwich diocese: *Second Ritual Report*, p. 480 (Brit. Mus. 698. h. 20. (14)).
Abbot's Articles for Canterbury diocese: *ibid.* 5155. c. 7.
[Hakewell's ?] Articles for archdeaconry of Surrey: Bodleian, 4^o. C. 203. Art.
1620. Harsnett's Articles for Norwich diocese: *Second Ritual Report*, p. 484 (Brit. Mus. 5155. c. 8).
Aylmer's Articles for archdeaconry of London: Trinity College, Dublin, P. mm. 42. no. 20.
1621. Montaigne's Articles for London diocese: Brit. Mus. 5155. c. 9.
1622. Laud's Articles for St. David's diocese: *Second Ritual Report*, p. 488.
[Williams's] Articles for Lincoln diocese: Brit. Mus. 1368. d. 38.
1623. [Dove's] Articles for Peterborough diocese: *ibid.* 1368. d. 40.
1624. Kent's Articles for archdeaconry of Sudbury: *Second Ritual Report*, p. 491.
1625. Andrews's Articles for Winchester diocese: *ibid.* p. 493.
Williams's Articles for Lincoln diocese: *ibid.* p. 497 (Trinity College, Dublin, P. mm. 42. no. 26).
[Hakewell's ?] Articles for archdeaconry of Surrey: Bodleian, 4^o. C. 203. Art.
1627. Montaigne's Articles for London diocese: Brit. Mus. 700. g. 17. (1).
Harsnett's Articles for Norwich diocese: *ibid.* 5155. c. 12.
[Wynne's (?)] Articles for archdeaconry of Lincoln: Trinity College, Dublin, P. mm. 42. no. 21.

1628. Davenant's Articles for Salisbury diocese : *Second Ritual Report*, p. 499.
 Neil's Articles for Winchester diocese : *ibid.* p. 502.
 Montague's Articles for Chichester diocese : Brit. Mus. 5155. c. 13.
 Laud's Articles for London diocese : Univ. Lib. Camb. G. 5. 1¹⁰ (sel.).
1629. Potter's Articles for Carlisle diocese : *Second Ritual Report*, p. 506.
 Abbot's Instructions for Canterbury province : Stowe MS. 199, p. 4.
 Eland's Articles for archdeaconry of Bedford : *Second Ritual Report*, p. 509.
 White's Articles for Norwich diocese : Brit. Mus. 1368. d. 42.
1630. Williams's Articles for Lincoln diocese : *ibid.* 5155. c. 15.
 Curle's Articles for Bath and Wells : *Second Ritual Report*, p. 512.
 White's Articles for archdeaconry of Norwich : *ibid.* p. 516.
1631. Davenant's Articles for archdeaconry of Berks. : *ibid.* p. 521.
 Kent's Articles for archdeaconry of Sudbury : *ibid.* p. 525.
 Piers's Articles for Peterborough diocese : Brit. Mus. 5155. e. 4.
 Laud's Articles for London diocese : Univ. Lib. Camb. G. 5. 1¹¹ (sel.).
1632. Thornborough's Articles for Worcester diocese : Brit. Mus. 1368. d. 43.
1633. Curle's Articles for Winchester diocese : *Second Ritual Report*, p. 533.
 Lindsell's Articles for Peterborough diocese : *ibid.* p. 537 (Brit. Mus. 5155. cc. 23).
 Neil's Articles for York diocese : Bodleian, C. 8. 22. Linc.
1634. Goodman's Articles for Gloucester diocese : *Second Ritual Report*, p. 543.
 Lindsell's Articles for Hereford diocese : Brit. Mus. 700. g. 17. (2).
1635. Laud's Articles for Winchester College : Lambeth MS. no. 943, fo. 416. [Printed in full in *Hist. MSS. Comm.* iv. 149.]
 „ Orders for Peterborough Cathedral : Lambeth MS. no. 943, fo. 423.
 „ Orders for Chichester Cathedral : *ibid.* fo. 427.
 „ Orders for Norwich Cathedral : *ibid.* fo. 431.
 „ Orders for Lichfield Cathedral : *ibid.* fo. 435.
 „ Orders for Worcester Cathedral : *ibid.* fo. 439.
 „ Orders for Gloucester Cathedral : *ibid.* fo. 443.
 „ Articles for Gloucester diocese : *ibid.* fo. 447.
 „ Articles for Canterbury Cathedral : *ibid.* fo. 451.
 „ Articles for Norwich diocese : *Second Ritual Report*, p. 547.
 Williams's Articles for Lincoln diocese : *ibid.* p. 551 (cf. State Papers, Dom., Chas. I, 308. 51).
 Wren's Articles for Hereford diocese : Brit. Mus. 1368. d. 45.
 [Pay's (?) Articles for archdeaconry of Chichester : *ibid.* 5155. c. 18.
 Layfield's Articles for archdeaconry of Essex : Univ. Lib. Camb. G. 5. 1¹² (sel.).
 [Hakewell's ?] Articles for archdeaconry of Surrey : Bodleian, 4^o. C. 203. Art.
 [Newell's or Neil's (?) Articles for archdeaconry of Bucks. : State Papers, Dom., Chas. II, 308. 50.]

1636. Laud's Orders for St. Paul's Cathedral : Sparrow Simpson, *Registrum*, p. 280 (from Lambeth MS. no. 943, fo. 463).
 Wren's Orders for Norwich Cathedral : *ibid.* no. 595, fo. 111.
 „ Orders for Norwich diocese : *Second Ritual Report*, p. 556 (Brit. Mus. 5155. c. 20).
 „ Injunctions for Norwich diocese : *ibid.* p. 564 (Wilkins, iv. 526).
 Kingsley's Articles for archdeaconry of Canterbury : *ibid.* p. 566.
 Pearson's Articles for archdeaconry of Suffolk : *ibid.* p. 569.
 Curle's Articles for Winchester diocese : Brit. Mus. T. 1566. (1).
 Thornborough's Articles for Worcester Cathedral : Liber Canonum (A. xiv. of MSS. of Dean and Chapter), fo. 2^v.
 1637. „ Articles for peculiars of Canterbury : *Second Ritual Report*, p. 572.
 Montague's Articles for Chichester diocese : Brit. Mus. 5155. c. 21.
 Juxon's Articles for London diocese : Univ. Lib. Camb. G. 5. 1⁸ (sel.).
 Wynne's Articles for archdeaconry of Lincoln : Trinity College, Dublin, P. mm. 42. no. 28.
 1638. Duppa's Articles for Chichester diocese : *Second Ritual Report*, p. 576 (Brit. Mus. 5155. c. 22).
 Montague's Articles for Norwich diocese : *ibid.* p. 579 (Brit. Mus. 1566 (2)).
 Thornborough's Articles for archdeaconry of Worcester : *ibid.* p. 585.
 Hall's Articles for Exeter diocese : Brit. Mus. 698. h. 20. (19).
 Wren's Articles for Ely diocese : *ibid.* E. 238. (2).
 White's Articles for archdeaconry of Norwich : *ibid.* 698. h. 20. (20).
 [Hakewell's ?] Articles for archdeaconry of Surrey : Bodleian, 4^o. C. 203. Art.
 1639. Laud's Orders for Exeter Cathedral : Lambeth MS. no. 943, fo. 467.
 Paske's Articles for archdeaconry of London : Sion College, Arch. a. 97. 4
 P. 26. (Brit. Mus. 5155. c. 27).
 Curle's Articles for Winchester diocese : Brit. Mus. 698. h. 20. (21).
 Juxon's Articles for London diocese : *Second Ritual Report*, p. 588 (Brit. Mus. 5155. c. 26).
 Layfield's Articles for archdeaconry of Essex : Univ. Lib. Camb. G. 5. 1¹⁴ (sel.).
 Newell's Articles for archdeaconry of Bucks. : Trinity College, Dublin, P. mm. 42. no. 23.
 1640. Mileson's Articles for archdeaconry of Suffolk : *Second Ritual Report*, p. 595.
 White's Articles for archdeaconry of Norfolk : *ibid.* p. 599.
 Marsh's Articles for archdeaconry of Chichester : Brit. Mus. 5155. c. 24.
 1641. Williams's Articles for Lincoln diocese : *ibid.* 5155. c. 28.
 1662. Cosin's Articles for Durham diocese : *ibid.* 698. h. 20. (25).
 Dolben's Articles for archdeaconry of London : *ibid.* 5155. c. 41.
 Sanderson's Articles for Lincoln diocese : *ibid.* 5155. c. 38.
 Skinner's Articles for Oxford diocese : *ibid.* 5155. c. 45.

- Ward's Articles for Exeter diocese : Brit. Mus. 5155. c. 35.
 King's Articles for Chichester diocese : *ibid.* 5155. c. 31.
 Laney's Articles for Peterborough diocese : *ibid.* 5155. c. 46.
 Croft's Articles for Hereford diocese : *ibid.* 5155. aa. 20.
 Sterne's Articles for Carlisle diocese : Trinity College, Dublin,
 P. mm. 42. no. 18.
 Ironside's Articles for Bristol diocese : *ibid.* P. mm. 42. no. 5.
 Wren's Articles for Ely diocese : *ibid.* P. mm. 42. no. 6.
 Piers's Articles for Bath and Wells diocese : *ibid.* P. mm. 42. no. 24.
 Lucy's Articles for St. David's diocese : *ibid.* P. mm. 42. no. 17.
 Basire's Articles for archdeaconry of Northumberland : *ibid.*
 P. mm. 42. no. 10.
 „ Articles for archdeaconry of Lincoln : *ibid.* P. mm. 42.
 no. 12.
 Grenville's Articles for archdeaconry of Durham : *ibid.* P. mm. 42.
 no. 16.
 Gauden's Articles for Worcester diocese : *Second Ritual Report*, p. 604.
 Griffith's Articles for St. Asaph's diocese : *ibid.* p. 606.
 Hacket's Articles for Lichfield diocese : *ibid.* p. 608. (Brit. Mus.
 T. 1013. (19).
 Henchman's Articles for Salisbury diocese : *ibid.* p. 610.
 Morley's Articles for Winchester diocese : *ibid.* p. 615 (Brit. Mus.
 5155. c.).
 Reynold's Articles for Norwich diocese : *ibid.* p. 619 (Brit. Mus.
 5155. c. 44).
 Layfield's Articles for archdeaconry of Essex : *ibid.* p. 621 (Trinity
 College, Dublin, P. mm. 42. no. 9).
 Pory's Articles for archdeaconry of Middlesex : *ibid.* p. 625.
 Quarles's Articles for archdeaconry of Northampton : *ibid.* p. 630.
 Frank's Articles for archdeaconry of St. Albans : Bodleian, B. 7.
 9. Linc.
 Lloyd's Articles for Llandaff diocese : *ibid.*
 1663. Nicholson's Articles for Gloucester Cathedral : Visitations of the
 Dean and Chapter (MSS. of the Dean and Chapter).
 Skinner's Articles for Worcester Cathedral : MSS. of the Dean and
 Chapter, vol. xxxii.
 Juxon's Articles for Canterbury diocese : Brit. Mus. 5155. c. 54.
 Laney's Articles for Lincoln diocese : *ibid.* 5155. c. 55.
 1664. Skinner's Articles for Worcester diocese : *ibid.* 1368. d. 49.
 „ Articles for archdeaconry of Gloucester : *ibid.* 5155. c. 58.
 Henchman's Articles for London diocese : *Second Ritual Report*,
 p. 631 (Brit. Mus. 5155. c. 39).
 1665. Nicholson's Articles for Gloucester Cathedral : Visitations of the
 Dean and Chapter (MSS. of the Dean and Chapter).
 Sheldon's Articles for Canterbury province : Wilkins, iv. 258.
 1666. Rainbow's Articles for Carlisle diocese : Brit. Mus. 5155. ff. 7.
 Blandford's Articles for Oxford diocese : Bodleian, C. 8. 22. Linc.
 1667. Gery's Articles for archdeaconry of Norwich : Brit. Mus. 5155.
 c. 60.

- Sheldon's Articles for archdeaconry of Canterbury : [draft] Bodleian, Tanner MS. 125. 34.
- „ Articles for Canterbury diocese : [draft] *ibid.* 125. 10.
1668. Dolben's Articles for Rochester diocese : Brit. Mus. 5155. c. 61.
- Hacket's Articles for Lichfield diocese : *ibid.* 5155. a. 44.
- Morley's Articles for Winchester diocese : *ibid.* 5155. c. 62.
1670. Gunning's Articles for Chichester diocese : *ibid.* 5155. c. 63.
- [Perrinchief's] Articles for archdeaconry of Huntingdon : *Second Ritual Report*, p. 636.
1671. Fuller's Articles for Lincoln diocese : *ibid.* p. 638.
- Sheldon's Injunctions for Whitgift's Hospital : Tanner MS. 162. 28.
1672. Crew's Articles for Oxford diocese : Brit. Mus. 5155. c. 66.
1673. Reynolds's Articles for archdeaconry of Norwich : *ibid.* 5155. c. 69.
1674. Pearson's Articles for Chester diocese : *Second Ritual Report*, p. 642.
- Sparrow's Articles for Exeter diocese : Brit. Mus. 5155. c. 71.
- Blandford's Articles for Worcester diocese : *ibid.* 1368. d. 51.
1675. Pierce's Articles for deanery of Salisbury : *ibid.* 5155. c. 73.
1676. Fell's Articles for Oxford diocese : *Second Ritual Report*, p. 643.
- Crew's Articles for Durham diocese : Brit. Mus. 5155. cc. 9.
- Mews's Articles for Bath and Wells diocese : Bodleian, C. 8. 22. Linc.
- Pricket's Articles for Gloucester cathedral : Visitations of the Dean and Chapter (MSS. of the Dean and Chapter).
1677. Lamplugh's Articles for Exeter diocese : Bodleian, c. 8. 22. Linc.
- Compton's Articles for London diocese : Brit. Mus. 5155. c. 74.
- Conant's Articles for archdeaconry of Norwich : *ibid.* 1368. h. 52.
- Sparrow's Articles for Norwich diocese. [Thorp, *op. cit.*, printed for Robert Paulet.]
1678. Rainbow's Articles for Carlisle diocese : Brit. Mus. 5155. c. 75.
- Brideoake's Articles for Chichester diocese : *ibid.* 5155. c. 76.
1679. Pricket's Articles for Gloucester Cathedral : Visitations of the Dean and Chapter (MSS. of the Dean and Chapter).
- Sancroft's Articles for Dulwich College : Tanner MS. 159. 24. (answers given to these are *ibid.* 159. 48).
- Barlow's Articles for Lincoln diocese : *Second Ritual Report*, p. 644.
- Gunning's Articles for Ely diocese : *ibid.* p. 646.
- Fell's Articles for Oxford diocese : Brit. Mus. T. 1566. (6).
- Carleton's Articles for Chichester diocese : *ibid.* 5155. c. 77.
1680. Lloyd's Articles for Peterborough diocese : Bodleian, Pamph. 148.
1681. Gulston's Articles for Bristol diocese : *ibid.* 5155. c. 82.
1682. Sancroft's Articles for Canterbury diocese : Brit. Mus. 5155. cc. 4.
- „ Articles for Canterbury Cathedral : *Tanner MSS.* 123. 30 (for answers see *ibid.* 123. 21, 33).
- Fell's Articles for Oxford diocese : Brit. Mus. 5155. cc. 10.
- Gunning's Articles for Ely diocese : *ibid.* 5155. c. 83.
1683. Crew's Articles for Durham diocese : *ibid.* 5155. cc. 7.
- Fielding's Articles for archdeaconry of Dorset : *Second Ritual Report*, p. 652.
- Lloyd's Articles for Peterborough diocese : Bodleian, Pamph. 163.

1685. Clutterbuck's Articles for archdeaconry of Winchester : Bodleian, Pamph. 168.
 Stillingfleet's Articles for archdeaconry of London : Brit. Mus. 5155. cc. 6.
1686. Sancroft's Articles for Lincoln diocese : *Second Ritual Report*, p. 653 (Brit. Mus. 1368. d. 54 ; a draft is in Tanner MS. 134. 40).
 „ Articles for rural deanery of Norwich : *ibid.* 138. 39.
1688. Sancroft's Articles for province of Canterbury : *Second Ritual Report*, p. 657.
1690. Barlow's Articles for Lincoln diocese : Bodleian, C. 8. 22. Linc.
 Patrick's Articles for Chester diocese : Brit. Mus. 698. h. 20. (29).
 Stillingfleet's Articles for Worcester diocese : *ibid.* 5155. cc. 24.
1691. Mews's Articles for Winchester diocese : *ibid.* 5155. cc. 18.
1692. Moore's Articles for Norwich diocese : *ibid.* 1368. d. 57.
 Ironside's Articles for Hereford diocese : *Second Ritual Report*, p. 659.
1693. Compton's Articles for London diocese : Brit. Mus. 5155. c. 84.
1694. William III's Injunctions to the clergy : *ibid.* 698. h. 20. (30) (Wilkins, iv. 624). Cf. for bishop of London's conference concerning these Injunctions, Brit. Mus. 698. h. 20. (31).
1695. Tenison's Articles for Canterbury diocese : *ibid.* 5155. c. 86. Cf. a 'note concerning Injunctions sent . . . by Thomas [Tenison] . . . July 16, 1695', Lansdowne MS. 938. 20.
1696. Compton's Injunctions for St. Paul's Cathedral : Sparrow Simpson, *Registrum*, p. 281.
1697. Hyde's Articles for archdeaconry of Gloucester : Brit. Mus. 5155. c. 87.
1701. Prideaux' Articles for archdeaconry of Suffolk : *ibid.* 698. h. 20 (33).
 Stratford's Articles for Chester diocese : *Second Ritual Report*, p. 659.
1703. Gardiner's Articles for Lincoln diocese : Trinity College, Dublin, P. mm. 42. no. 7.
 „ Articles for peculiars of Canterbury : *Second Ritual Report*, p. 662.
1704. Nicolson's Articles for Carlisle diocese : Brit. Mus. 5155. de. 5.
1705. Chetwood's Articles for archdeaconry of York : *ibid.* T. 1566. (9).
1706. Tenison's Articles for Canterbury diocese : *ibid.* 1368. d. 59.
1707. Vicar-general for Fowler's Articles for Gloucester Cathedral : Visitations of the Dean and Chapter (MSS. of the Dean and Chapter).
1708. Lloyd's Articles for Worcester diocese : Brit. Mus. T. 945. (7).
1710. Nicholson's Articles for Carlisle diocese : *ibid.* 5155. c. 88.
 Fleetwood's Articles for St. Asaph's diocese : *Second Ritual Report*, p. 663.
1711. Gibson's Articles for archdeaconry of Surrey : Gibson's Charges (Library, House of the Resurrection, Mirfield).
1713. „ Articles for archdeaconry of Surrey : *ibid.*
1714. [Jeffrey's (?)] Articles for archdeaconry of Norwich : 'Archdeacon' I. (5) (Mirfield).
 Trelawney's Articles for Winchester diocese : Brit. Mus. 5155. c. 90.

Reviews of Books

Die Entstehung von Burg und Landgemeinde in Italien. Von Dr. F. SCHNEIDER. (Abhandlungen zur Mittleren und Neueren Geschichte, Heft 68. Berlin: Rothschild, 1924.)

THE origins of the Italian communes, whether the real city-states like Florence or the numberless smaller communities of the country-side, furnish a perennial problem, for which new solutions or new variations of old solutions make a not infrequent appearance. In this important contribution to the controversy Professor Schneider deals with the lesser communities, country-towns, and large villages; but the thesis he propounds and the evidence he adduces will clearly tend to modify our view of the early city-commune, too, in so far as they are ultimately accepted. Perhaps we may say that Dr. Schneider endeavours to combine three older ways of accounting for the communal phenomenon in Italy: the economic effect of common lands (the *allmend*), the racial factor seen in the vigorous Lombard stock, and the institutional inheritance from the later Roman empire. Each of these elements he transmutes considerably in adapting them to his new synthesis, which is due to a fresh angle of view.

He starts with the late Roman and Byzantine institution of the military frontier, the *limes*, defended by resident troops who held land on a military tenure. These *limites*, he says, shifted backward as the Lombard conquest advanced, and each in turn was settled by the conquerors in a similar method as a military frontier. The *sculdahis* and the *decani* were the special Lombard officials allotted to such territory. Further, strategic roads and the approaches to the Lombard capital met with the same treatment. Here he adopts from Leicht and Checchini the explanation of the later *arimanni*, freemen almost tied to their holdings and owing certain services and dues to the public power: they were the successors of a special class of the original Lombard *arimanni* or *exercitales*, i.e. they were those freemen who were settled in the *limites* and on the royal domain on a special military tenure; and their position, robbed of its vital military functions by the feudalizing changes in warfare and society, became one of tethered, burdened peasant-proprietorship, which yet embalmed an ancient freedom not shared by other peasants.

Here the *allmend* comes in. Much of the land settled by these specialized *arimanni* was woodland, pasture, waste, and swamp. The use of these *comunalia* was held in common by them, and their management gave rise in time to self-administering rural communes. The *comunalia*, and hence the communes, were all on ancient royal domain, even if granted to the church or held by the count as part of his official lands. Thus, in the

theory, from these communities of *arimanni*, composed of the 'Herrenrasse' of the Lombards, the free rural commune arose. The rural commune formed out of a *curtis*, with its once servile population, was both imitative and later.

The subject is a very difficult one to handle clearly from the nature of the evidence, scattered, fragmentary, from different places and times, where an inference none too sure has to come to the rescue of a doubtful fact, and both depend on the suspect assistance of a third analogy; and it must be confessed that Dr. Schneider finds a difficulty in propounding his evidence and in enabling the reader to hold the pros and cons together in his mind. Perhaps dated comparative tables of the many communes brought forward or touched upon in his unindexed work would have been helpful in forming a judgement on the value of his thesis. But there seem on a preliminary examination to be some weak links in his chain. That communes of freemen on royal domain should be the earliest to emerge in fact and in the evidence of charters seems most natural; but not that only they should have the co-operative use of common waste or pasture, or that ex-servile communities should merely imitate them. In a number of his earliest communities in the Alps, &c., the presence of *arimanni* in the later sense of the term seems only a doubtful inference, even if we grant the Checchini theory of these *arimanni's* origin, which has its own difficulties. In fact Dr. Schneider seems inclined to over-simplify the problem and to produce too schematic a solution. But this is not to deny the value of his researches into the factors which stimulated, so to say, the else quiescent germ of the commune into new growth. One of the most interesting parts of his book is the chapter on the *castelli* of the tenth, eleventh, and twelfth centuries, in which he makes large use of the material provided by the Codex Pelavicinus for the Lunigiana; although here too there is a certain lack of clearness in the exposition, and one would be glad of clearer indications of date and place for the fragments of dismembered privileges quoted in the notes.

C. W. PREVITÉ-ORTON.

Cartulaire des Îles Normandes. Edited by G. F. B. DE GRUCHY, R. R. MARETT, and E. T. NICOLLE. (Société Jersiaise. Jersey: Beresford Library, 1924.)

THIS collection has been coming out in parts since 1918, and bears the marks of this method of publication in a certain lack of arrangement lamented by its editors. But although it has been impossible to place the documents in chronological order, and they have had to be arranged mainly by their place of deposit, most of them relate to the possessions of religious houses and those relating to the same house will usually be found together. The basis of the work is the collection of transcripts made in the latter half of the nineteenth century for the *cours royales* of Jersey and Guernsey from the French departmental archives, and these transcripts have been compared with the abstracts in Mr. Round's *Calendar of Documents preserved in France*, and recollated with the originals by the kind help of the French archivists. The main body comes from the archives of the Manche, but there are supplements from other depart-

ments, from the copies at the Bibliothèque Nationale, from the Public Record Office, from Warwick Castle and Exeter Cathedral. When documents are already printed in accessible books, or repeat *verbatim* earlier documents in the collection, only those parts are printed which directly relate to the Channel Islands and are not mere repetitions. Accounts also are occasionally summarized when this can be done without sacrificing information. The plates include several excellent facsimiles and photographs of seals, and M. N. V. L. Rybot contributes an article on the heraldry, mainly descriptive. The transcripts stand the test of comparison with the facsimiles unusually well, though a few inaccuracies will be noted. Some, however, of which there are no facsimiles, seem to have been printed from contracted copies: a foolish practice for which there is no excuse, involving, as it does, extra expense in printing.

There is a large proportion of eleventh- and twelfth-century charters, many of which have not been dealt with by Mr. Round. Some of those granted to Saint Sauveur le Vicomte are interesting because it is possible to compare the originals with the interpolated versions put forward in the sixteenth century. The texts are not always completely satisfactory. Thus we find (p. 118) 'inmixit se' where the sense requires 'iunxit' or 'coniunxit'. In another case (p. 356) the editors have been led astray by the double date and challenge a charter of the first year of John, dated 19 February 1199, on the ground that Richard I did not die till April. Again, it seems rather rash to gloss 'pastor', in the letters of Rotrou, archbishop of Rouen (p. 308), which unite the monasteries of Saint Heliers and Cherbourg to be 'one flock and one shepherd', as equivalent to 'advocatus'. Besides the genealogical interest of the charters and deeds, of which a large number from Warwick concern the family of Cheney, there are illustrations of such local rights as 'retrait féodal', which the abbey of Mont Saint Michel attempted to invoke against the transfer of part of the *terres du comte* to William de Cheney; the cry of 'haro', and the delivery of judgement by the *jurés*. A document of 1368 seems to relate to an unsuccessful attempt by a free tenant to create a new manor. There are also allusions to the ordinance of Edward I for the preservation of the conger eel and the consequent introduction of mackerel fishing, and to the periods of French occupation in 1331 and 1460-6. We find women sitting (p. 300) on an inquest in 1306, and we have an extremely interesting letter, not for publication, in which the *jurés* warn Felicia Cheney that the bailiff is trying to assist the abbot and convent of Mont Saint Michel to effect an entry on the land which they claimed against her and her husband.

CHARLES JOHNSON.

Die Deutschen Fürsten im Dienste der Westmächte bis zum Tode Philipps des Schönen von Frankreich. Band 1. Von WALTHER KIENAST. (Bijdragen van het Instituut voor Middeleeuwsche Geschiedenis der Rijks-Universiteit te Utrecht. Utrecht, 1924.)

THIS series, of which Professor Oppermann is the editor and principal contributor, has hitherto been strictly confined to the medieval history of the Low Countries. In this volume, the tenth of the series, the field is

extended further. But the title is perhaps a little misleading, for its central theme is the part played by the counts of Flanders in the struggle between England and France in the period between the Norman Conquest and the battle of Bouvines. French Flanders greatly exceeded imperial Flanders both in size and importance. The count was primarily a French feudatory, not a German prince; and the same applies in a greater degree to many other baronial families whose activities in the Anglo-French war are here examined, as, for example, the dukes of Burgundy, the counts of Champagne and of Toulouse. We are not accustomed to regard these as 'deutsche Fürsten'. The fact is that many of the nobles whose lands were situated on or near the border were in the position of a double vassalage, owing service both to the king of France and to the emperor. The difficulties, and sometimes advantages, arising from these conflicting feudal obligations are well illustrated by Dr. Kienast. He has also traced very carefully from the English exchequer records the payments made by the English kings to the counts of Flanders and other barons of the Netherlands for their support against the French. From 1103 onwards, with but brief intermissions, pensions of 400 or 500 marks or the revenues from lands in England with which they were enfeoffed (first by Henry II in 1155) were paid to the counts of Flanders from the English exchequer. By these contracts one of the principal vassals of the king of France binds himself almost unconditionally to assist the enemies of France. Only if his suzerain himself takes part in a campaign is the count excused from personal service, and with some ten or twenty knights is permitted to perform his feudal obligation in the French host; but even on these occasions he must send the bulk of his knights to fight against himself in the opposing army. The Flemish alliance was obviously much valued by the English kings, and regarded as worth paying highly for; but from the very detailed narrative of the activities of the counts of Flanders with which this book furnishes us, we gather that neutrality was the best that the English king could hope for; the counts seem to have followed an opportunist policy, and to have readily set aside their obligations to England to assist the king of France when it suited their purpose better. It is a history of agreements frequently made, and as frequently broken and again renewed.

The project for a marriage between John and Alais, daughter of Humbert III, count of Maurienne, the author regards as merely part of Henry II's policy for the annexation of Toulouse. This was undoubtedly one of the principal purposes and it was achieved; for after leaving Montferrand, where the marriage compact was arranged, Henry proceeded to Limoges and there received the homage of Count Raymond. But there seem to be good grounds for believing that Henry had ulterior motives in attempting to gain the command of the western passes of the Alps. The view that Henry had designs on the Italian and even on the imperial crown, though maintained by Dr. A. Cartellieri,¹ is too summarily rejected by Dr. Kienast. The whole question has been discussed by Professor Davis in this Review.²

From the mass of facts here presented it is difficult to trace definite

¹ 'Die Machtstellung Heinrichs II von England' in *Neue Heidelberger Jahrbücher*, viii. 279 (1898) and elsewhere.

² *Ante*, xxi. 364.

trends of policy. In his introduction the author hints at the beginning of a systematic grouping of states in the last quarter of the twelfth century, but in the body of the work this is not clearly brought out. It may be dated from the year 1187, when the Hohenstaufen and Capetian concluded an alliance to oppose their formidable vassals, the Welfs and the Angevins, with whom stood the princes of the Lower Rhine district organized under the leadership of the archbishop of Cologne, whose city was attached to England by strong commercial ties. It was this combination which was responsible for such power as Otto IV was able to exercise, and which lasted, in spite of the anti-French attitude of Henry VI, until it was finally shattered at Bouvines. The policy of Henry VI towards France is perhaps not given the attention due to it. In 1184 the count of Flanders, then at war with Philip Augustus, sought the emperor's help, and offered at the same time to assist Frederick to reduce France to subjection to the empire. Frederick refused, but the count's offer may have made an impression on the son, for we find him the next year eagerly abetting the count against France. That ten years later this aggressive anti-French attitude was a central feature of his policy is attested both by Hoveden and by the letters of Innocent III, and the danger was sufficiently threatening to induce Philip Augustus to try to buy the friendship of Henry's chief adviser, Markward of Anweiler, by a grant of land in Alsace. But that Henry did not follow up his policy was probably due not to the influence of Markward, as Dr. Kienast suggests (p. 147), but to the fact that death intervened before Henry had fully matured his plans.

The author's careful attention to detail, and his exhaustive examination of the narrative and record material, to which copious references are given, deserve high praise. A useful list of original sources and of modern works is prefixed; we hope an index will be appended to the second volume which will carry the history on to the death of Philip the Fair.

A. L. POOLE.

The First Century of Magna Carta. By FAITH THOMPSON. (Minneapolis : Minnesota University Press, 1925.)

THE subject of this essay is the practical value of the Charter to contemporaries. Over and beyond the implication that the king was below the law, what were the specific advantages derived from its confirmations, and in what particular directions could relief under its provisions be secured? It could not have persisted, Miss Thompson argues, if the recognition of a general maxim had been the only victory gained. There were, in addition, strong utilitarian reasons for its survival. This point of view, though hardly novel, is none the less useful, because it has led the author to gather together from *Bracton's Note-book*, the *Abbreviatio Placitorum*, and other printed Plea Roll sources instances where individual plaintiffs made clauses of the 1225 text the ground of their actions, and by adding these cases to the already well-known collective protests of 1236, 1257, 1285, and 1299, to attempt to estimate the extent to which the Charter was regarded as the 'law' of the country. These occasions, both of individual and of collective action, are summarized in a convenient

table (pp. 66-7); but the conclusions drawn from them here present certain difficulties. When Miss Thompson says (p. 105) that the Charter was 'fundamental law, written law, the first statute', we cannot help asking the question, which the limitations of the *Abbreviatio* and other selections have not always permitted her to answer, of the success which pleadings under the Charter met, or indeed were likely to meet, before the king's justices. For litigants or their attorneys will use every argument they can, and the statement, not infrequently made, that the judges were the servants of the law rather than of the Crown, is liable, in regard to the thirteenth century at any rate, to be pressed too far. On article 11 of 1225 ('*Communia placita non sequantur curiam nostram*', &c.), for instance, the examples which she quotes show in effect that means were generally available for turning a common into a 'special' or 'private' (*singulare*) plea, and so taking it away from the bench, either through the judge ruling that it was incidental to a suit *coram rege* or by his holding that it concerned the king's person in some manner: to plead 'commonness' in bar to a case being tried *coram rege* smacks very much of a last expedient. But to maintain, on the other hand, that (in the thirteenth century) 'popular inclination tended to follow strictly the letter of article 11', and that 'the court *coram rege* . . . encroached more or less on the jurisdiction of the common bench', is to draw far too rigid a distinction between the two expressions of '*curia regis*'. The difference was there, right enough, before 1234, but the *placita coram rege* preserve a remarkable degree of variety and elasticity to a comparatively advanced date. Greater familiarity with legal records would have saved the author here and (it must be admitted) elsewhere from relying too strongly on pleading of the Charter as evidence for its effectiveness, though at times, e. g. on article 12, she is able to make a good point. She is on more solid ground when she points to the passage of articles 2, 4, 5, and 26 into later enactments or traces the connexion of the confirmations followed by grants of taxation as a precedent for the later principle that redress of grievances should precede supply.

This is not to deny the practical effect of some of the technically feudal clauses. Unsolicited by any group of barons or clerks the king will uphold the right of a widow to get dower within 40 days, or excuse one of his wards from paying homage or relief to an over-tenant on the ground that this is against the '*consuetudo regni Anglie*';¹ yet one does not feel that instances like these or a collection of examples gathered from a century of development really answer the problem of the utility in face of almost overwhelming odds—for the insistence of Matthew Paris upon the personal weakness of Henry III has misled many—of the appeal to the Charter, now that the studies of the last twenty years have brought to light the strength and tenacity of the household system, and the increasing power of the royal arm has been revealed in the administrative inquiries set on foot throughout this whole period. Evasion of the Charter was a matter of procedure, of administrative technique. Against it there could only be one remedy: the civil servant had to be displaced, and a totally new method devised. But that was never, even during 1258-61, carried out, for it meant, in

¹ Cf. *Calendar of Close Rolls, 1247-51*, pp. 266, 367.

the last resort, the deposition of the king. If Miss Thompson had faced the problem more from the side of entrenched royalty, and if she had gone a little further into the fourteenth century, she would perhaps have been less optimistic about the utility of the Charter in some of its aspects. But she has successfully shown that it constituted something more than 'an ancient and stirring battle-cry'.

E. F. JACOB.

Snappe's Formulary and Other Records. Edited by the Rev. H. E. SALTER. (Oxford Historical Society, vol. lxxx. Oxford, 1924.)

THE article which gives its arresting but misleading title to this volume is among the shorter and less important of the ten which make up the book. Among the other articles are two, nos. ii and ix, relating to the chancellorship. The confirmations of the chancellors by the bishops of Lincoln from 1290 to 1369 printed from the Lincoln registers are valuable and are preceded by an instructive and amusing introduction. Mr. Salter has, however, misunderstood the exact meaning of the words *electus* and *nominatus*. When the bishop says that the chancellors 'non fuerunt electi sed tantummodo nominati', he does not mean that they were nominated by the bishop without election, but that their names were put forward (*nominati*) by the university and the choice, the final decision (*electio*), rested with the bishop. The list of chancellors and proctors is the most authoritative hitherto compiled and will supersede those given by Wood and Le Neve. It is, however, not perfect. Mr. Salter says there is 'not the least evidence' that either Eustachius de Normanville or John de Pontisara held the office. For Eustachius there is the definite statement of the contemporary chronicle of Eccleston: he was undoubtedly chancellor in 1250 or 1251. This makes one wonder whether some of the other traditional names have not been too lightly excluded. Nicholas de Ewelme was chancellor not only 'as late as May 1268', but as late as June 1269.¹ And Herveus de Saham was not appointed by Peckham to be guardian of the Franciscans on 6 May 1285 or at any other time. Herveus de Saham and the guardian of the Franciscans are mentioned in the same document, but were distinct persons.²

The longest and most important article is no. iv, which contains a series of documents, mostly from MS. Cotton Faustina C. VII, relating to Archbishop Arundel's visitation: these are now printed in full for the first time and arranged in chronological order. They should be read in conjunction with no. v, the inquisition at Oriel in September 1411. While we are very grateful to Mr. Salter for the admirable edition of these documents, it must be said that in his interpretation of them he takes a singularly narrow view. 'Oxford historians', he remarks, 'seem to lose their balance when the name of Wickliffe is mentioned' (p. 98), and so he minimizes Wickliffite influence, in spite of Arundel's assertions of its strength. 'It appears many times that few except Arundel were excited about *heretica pravitas*, and that he received only half-hearted support from his suffragans and from the Universities' (p. 99). The committee of twelve appointed by order of the convocation of the Southern Province

¹ *Grey Friars in Oxford*, p. 331.

² *Reg. Epist. J. Peckham*, iii. 921.

to report on Wickliffe's errors have a different story to tell, when they apologize for their slow progress :

Tot etenim sunt tractatus et nouitatum opuscula totque nouelle conclusiones, opiniones et dogmata prefati doctoris, cuius scripta rimanda collegimus, ut eorum discussioni congrue nobis non sufficiat breue tempus, cum et ipsa eciam fautoribus magnis et multis non careant, qui laboribus nostris detrahendo remurmurant, viisque et modis quibus audent et suppetunt, impudenter insiliunt et resistunt ' (p. 120).

' One thing is certain [Mr. Salter concludes], that the resistance to Arundel did not spring from love of Lollardism, but that the whole thing turned on the bull of Pope Boniface ' (p. 114). The Bull of Boniface IX (1395) granted the university exemption from all jurisdiction of archbishops, bishops, and other ordinaries, and its authenticity was from the first disputed. Now, if one thing is certain, it is that people did not procure, still less forge, a Bull in order to defend it : they procured or forged it to help them to defend some interest which they regarded as important. The struggle of the university against Arundel was the struggle of rationalism against authority. The key to the position is given in the demand made by John Birch, of Oriel, one of the proctors, when moving in the Great Congregation that the committee of twelve should be deprived of power, ' quod facultas artium staret libera in suis opinionibus probabilibus sicut olim ' (p. 198).¹ That Birch did not speak for himself alone but for the faculty of arts generally is proved by the course of events. In July 1411 the archbishop announced his visitation, and the chancellor, Richard Courtenay, threatened him with excommunication. At the beginning of August the archbishop tried to hold his visitation in St. Mary's amid great uproar, when a summons arrived ordering both parties to submit their case to the king. The king in September deposed the chancellor and proctors, Birch and Brent, for impeding the archbishop's visitation, imprisoned the proctors in the Tower, appointed a commissary and two vice-proctors to carry on business, and forbade the university to re-elect the offenders. In October the unanimous re-election of Courtenay, Birch, and Brent was announced to the king. To avoid the royal displeasure, the university repudiated the re-election, and the king demanded the names and persons of the electors. In November the university protested against the doings of the commissary and vice-proctors. On 18 November Courtenay was again re-elected chancellor, and before 12 March 1412 Birch and Brent had again been elected proctors and were allowed to hold office.

Other contents of the volume are : (ii) significations of excommunication by chancellors of the university ; these are not in themselves of much interest, though they add some dates of chancellors, but Mr. Salter's introductory remarks on excommunication are illuminating and of general application. (vi) A Calendar of deeds about Oxford preserved at Bridgewater, containing *inter alia* a draft of the will of William Orchard, ' the chief, perhaps the only, architect of Oxford between 1460 and 1500 ' , and

¹ I do not understand Mr. Salter's gibe (p. 114) : ' by this he did not mean Wickliffism, but *probabiles opiniones*, as he puts it, the kind of theology which is always popular because it requires no study.' ' Probabiles opiniones ' were opinions that would stand the test of argument in a disputation.

a roll of the court of the Castle Mill. (vii) *Miscellaneous Inquisitions at the Record Office*, among which the most remarkable is not an inquisition but a very curious petition c. 1253 for the redress of grievances of the *minor communia* against the magnates of Oxford. (viii) 'Miscellaneous unprinted deeds' from various sources, and touching on a variety of subjects: most of them are letters rather than deeds.

In the last article (x) Mr. V. H. Galbraith has edited a large number of 'New Documents about Gloucester College'. These throw an entirely fresh light on the origin and constitution of that singular institution. It is news too that the presidents of the Benedictine general chapter purchased in 1321 the old area of the Carmelite friars for Gloucester College.¹ Mr. Galbraith is to be congratulated on his discoveries and on the lucid way he has handled the intricate relations between the general chapter, the abbey of Malmesbury, and the various groups who formed the community.

A. G. LITTLE.

South Wales and the March, 1284-1415. A Social and Agrarian Study. By WILLIAM REES. (London: Milford, 1924.)

DR. REES'S book—originally a thesis approved for the degree of doctor of science in the university of London—is divided into three parts. The main part is the second, which consists of some two hundred pages describing the economic organization of the lordships of South Wales during the period mentioned in the title. The other two parts are each forty pages long: one—not altogether aptly entitled 'The Economic Aspects of the Conquest of Wales'—serves as an introduction; the other, headed 'Pestilence and War', discusses some of the economic consequences which followed in South Wales from the Black Death and the revolt of Glyndwr. The three parts are strung together on one main thread: they all help to elucidate the break-up of what Seeböhm called 'the tribal system' of Wales, more especially on its economic side.

The first part as a whole is somewhat inconclusive. Possibly Dr. Rees was limited by considerations of space, or he may have been unduly haunted by the thought that his study was social and agrarian rather than political and constitutional: but from whatever cause, this part of his work is hardly adequate as an introduction to the main subject; rather it resolves itself into a series of interesting but half-developed suggestions. Thus in his remarks on the Anglo-Norman invasion of the March Dr. Rees touches upon a point which is often overlooked by historians, that the peculiarly privileged position of the lords marcher is not to be explained entirely by the fact of their holding their lands 'by ancient conquest', but that it was also due in part to the fact that they stepped into the place of Welsh 'lords' (*arghyddi*) who had held quasi-regal powers over the territories which they ruled. It is a pity that he did not grant himself more space to work out such points as this in greater detail.

The second part of the book must be read in the light of the preface. The author there explains that for reasons which he sets forth he deliber-

¹ As early as 1288 the Carmelites brought an assize of novel disseisin against the abbot of St. Peter's, Gloucester (*Vict. County Hist., Oxford*, ii. 138).

ately decided not to limit his investigation to one or a few of the lordships, but to study the area as a whole. By so doing he was able, of course, to obtain a more complete picture of society in medieval South Wales, and to include in his book a good deal of valuable additional information. At the same time he greatly increased the difficulties of presentation, and what his picture has gained in completeness it largely loses in clearness. This is due primarily to the bewildering variety of local customs and institutions which have to be taken into account when the scope of the inquiry is widened to include all South Wales. Partly, however, it is due to unsatisfactory classification. An example of this occurs in the sections dealing with rents and services. These dues were numerous and complicated, and it is certainly not easy to think oneself back into the confusion. But one is not greatly assisted by such a classification as is adopted, for instance, in the account of the obligations of the customary tenants (pp. 160-73). Their dues are classified into (a) 'those based upon the holding' and (b) 'those more personal services exacted from the villein as a dweller within the manor, or arising out of his servile condition' (p. 160). In the subsequent discussion the 'obligations based on tenure', as they are then called, turn out to be 'obligations associated with the cultivation of the soil' (p. 167). This is not a happy gloss, and it is doubly unfortunate because it involves a confusing cross-division; for it would cover such services as boon-works, which have already (p. 165) been labelled 'personal obligations'.

The third section is perhaps the one that will interest the greatest number of readers, and they will wish that Dr. Rees had not confined it to the narrow space of forty pages, for within those limits his treatment is lucid, interesting, and commendably cautious. He stresses the fact that the visitations of the pestilence were more virulent in some districts than in others. He adduces evidence which indicates that except in places which were specially hard hit, like Caldicot near Chepstow, the effects of the Black Death were mainly to stimulate changes already in operation. In the manorialized districts, the outcome was the leasing of the demesne to farmers; in the 'Welshries', the break up of the tribal holdings of land. Much of this recalls parallel developments in England. But there were also some divergences. Thus Dr. Rees finds little evidence of recourse to stock-and-land leases in the South Welsh March; and though he shows that considerable quantities of wool were produced in South Wales, he is still of opinion that in this region 'sheep-farming was not generally adopted as the alternative to demesne cultivation'. Finally he emphasizes the important point that the Welsh economy suffered a severe additional shock from the rebellion of Glyndwr, which followed hard upon the repeated outbreaks of plague: Dr. Rees gives examples to illustrate 'the tremendous losses which ensued from direct destruction and from the withdrawal of tenants' during the rebellion, and concludes that 'the widespread character of the revolt and its long duration were far more disastrous to the economic life of Wales than the ravages of the pestilence'.

The outstanding feature of the book as a whole is its close dependence upon original records, most of them still unpublished. The author is to be

congratulated upon his exemplary industry in working through this material: he quotes in his foot-notes a great deal of illustrative detail and also indicates where more may be found. It is to be regretted that so devoted a student of original records should have made his quotations in translation rather than in the actual words of the records. One could wish, too, that he had made a rule of always giving the date of documents from which he quotes. More uniformity in the references to the various inquisitions, of which Dr. Rees makes excellent use, would also have been helpful: not infrequently one or both file numbers are omitted, leaving nothing but the regnal year and the name of the tenant, a method which needlessly increases the difficulties of verification. Nor can one forbear criticism of the list of authorities. The section on 'printed books' is most unsatisfactory. It contains airy entries like 'Selden Society—Publications', though many of those publications have no particular relevance to the subject in hand. It includes works like Ayloffe's *Calendars of Ancient Charters* and Wootton's *Leges Wallicae*, which have been superseded. Worst of all, it is most unscientifically arranged, for the printed original authorities are classified according to the accidents of publication: thus some of the chronicles, like the *Annales Cambriae*, are classed with such utterly dissimilar material as the *Red Book of the Exchequer*, because both are in the Rolls Series; the chronicle of Adam of Usk, on the other hand, appears elsewhere under 'Publications of learned societies'; while the chronicle of Geoffrey le Baker is consigned to still another division, headed 'Collections—privately edited'. A defect of this kind is regrettable in a work whose solid merits are such that it will be judged by none but exacting standards.

One or two incidental points of general interest may be noted in conclusion. An inventory of armour in Haverfordwest Castle in 1387–8 (p. 75) mentions 'six iron hand-guns' ('vi gonnes manualibus de ferro' in the original document): this is barely two years later than the earliest reference to hand-guns noted by Professor Tout,¹ and tends to confirm his suggestion that these weapons were by that date no rarities. In a footnote on p. 222 Dr. Rees mentions a 'reference to a Jew in the commote court' of Maenordeilo in 1386–7, but without giving further particulars: the document in which the reference appears is cited as Min. Acc. 1221/1, which is perhaps a misprint for 1222/1, since 1221/1 belongs to 1337–9; but whether in 1387 or 1339, it is interesting to find that the remote vale of Tywi can be added to the list of places which show signs of the presence of Jews subsequent to the expulsion of 1290. Finally, attention may be drawn to the evidence adduced (p. 269) to show that as early as 1302–3 servants were being amerced in the courts of the royal commotes of West Wales 'for breaking the statute of stipends' and 'quia cepit pro stipendio ultra statutum patriae'. This statute was quite possibly, as Dr. Rees suggests, introduced by Edward I after the conquest. Its exact terms seem to be unknown, but in its apparent object of limiting wages it looks like a curious anticipation, on a very small scale, of the labour legislation of Edward III.

J. G. EDWARDS.

¹ *Ante*, xxvi. 684.

The Pipe Roll for 1295. Surrey Membrane. (Surrey Record Society. Number xxi.)

It is not often that a local society publishes a volume like the one with which this review has to deal. Many documents of historical interest may, of course, be found in the volumes of transactions published by such societies; but in most cases the reader is left to provide the comment for himself; and if any comment is provided, it is not often that it is sufficient. In all cases the document published is the main thing, the comment is secondary. Such a method of treatment is, of course, useless in dealing with the text of the Pipe Roll, a text in which puzzles and difficulties occur at every line, in which every statement is an abbreviated expression of the result of a long investigation, and may often be an unintelligent and even blundering statement of some transaction which took place many years before the date of the roll in which it is recorded. Indeed, if the Pipe Rolls, and especially the later Pipe Rolls, are to be published at all by local societies there are only two courses that can be followed: either the text must be abandoned and the volume be all calendar and commentary, which is the course chosen by Dr. Fowler in the volume published by the Bedfordshire Record Society;¹ or if the text is published, the commentary must be so full as to exceed the text in bulk. The latter course has been chosen in the present volume, and as a result the reader will have before him fifteen pages of text, fifteen pages of translation, and one hundred and five pages of introduction, notes, and index. There is not one needless word in all this comment; every word bears directly on the text, and reveals and explains its many patent and latent puzzles. How long a time Miss Mills, the editor of this volume, has devoted to it, only she herself can tell; she has at least provided a model, which any future editor of a Pipe Roll can follow, if another person can be found to undertake such a task. But it is proper to add that no one interested in medieval finance can venture to neglect this book, and that no one can study it without gratitude to Mr. Jenkinson, who devised the plan, and to Miss Mills, who has carried it out; and Mr. Jenkinson would insist that of this gratitude Miss Mills deserves the larger share.

But it is time to come to the text, which is the basis of the volume. The manuscript from which the text is prepared is the membrane of the Pipe Roll for 1295, which contains the Surrey items. Surrey and Sussex are linked counties, having one sheriff between them who accounts for both; but the accounts are kept apart, and it is only occasionally that the editor has been compelled to refer to the Sussex membrane. There is a parallel manuscript on the chancellor's roll for the same date, and all significant variant readings are given in foot-notes. It should be added that Miss Mills has considered the relations of these two manuscripts and arrived at the conclusion that the relations between them are too complicated to admit of the simple explanation suggested by me in a notice² of Professor Cannon's edition of the text of the Pipe Roll of 26 Henry III. But putting this unsolved question on one side, the treatment of the text is accurate

¹ See review, *ante*, xxxix, no. 154, April 1924.

² *Ante*, xxxv, no. 138. See Miss Mills's criticism in her introduction, p. iv.

and complete, and the fine facsimile provided enables the reader to study the principles on which it has been prepared. Put briefly, the rules laid down by the Surrey Record Society require that the printed text shall show all the peculiarities of the manuscript except the signs marking the abbreviations of the words, while all contractions shall be extended and all suspensions, if not extended, at any rate indicated. The convenience of the reader is thus less considered than the accurate representation of the manuscript. The advantage of this method is that it gives the reader a chance of noting some of the peculiarities of the manuscript, and even compels him to consider them. Some readers, for instance, will appreciate the care with which the curious system of dots used by the scribe has been preserved, and be glad to be compelled to speculate on the meaning of the full stops which appear in such a sentence as 'Idem. reddunt. compotum. de eodem. debito.' Others may be more inclined to remember the remark of a former chancellor of the exchequer, when for the first time in his life he was forced to understand a decimal fraction. The council of the Surrey Record Society and Mr. Jenkinson will know how to deal with such flippant persons. A reviewer need only say that he is glad to have been compelled to study this curious device, which might otherwise have escaped his notice. The secret is revealed by an examination of the facsimile. In this Pipe Roll the scribe uses the dot in three different ways. Two of these are common enough in other Pipe Rolls, and indeed in other manuscripts, namely the use of the dot as a mark of punctuation at the end of a clause or sentence, and the use of it before and after numbers written in the Roman numeration. The third use is also common enough in certain cases, but is used in this Pipe Roll far more extensively than is usual. It is intended to mark the end of a word abbreviated by suspension. It is a device used in Roman inscriptions and in to-day's *Times*. In this particular manuscript the scribe does not employ it with complete regularity. It always occurs after the initial letter of a proper name; but in other cases it sometimes slips from his pen where it is not needed, and is sometimes omitted where it should occur. These irregularities are necessarily passed over without remarks in the printed text, and the most meticulous critic could hardly demand that they should be recorded. Possibly he might suggest that if the suspensions are all extended, it is scarcely worth while retaining the dots which mark them. At any rate *non nostrum est tantas componere lites*. Let us turn to the comment.

The object of the comment falls according to the introduction into thirteen main heads. The first two of these deal, and deal admirably, with the general system applicable to the process of auditing accounts, especially those of the sheriffs, and with the documents necessary for this process. The remaining sections deal with the text printed, and contain the results of an investigation into the origin and history of every item mentioned in the account. Any one who has ever traced backwards from roll to roll one such item will appreciate what a task this involves, and yet there is no other way in which the meaning of the Pipe Roll can ever be made clear. This will be plain enough to any one who will read the examination which Miss Mills has made of the origin of the claim made by the exchequer for the debts of Geoffrey de Cruce, who was sheriff of Surrey and Sussex in the

years 1255-7, forty years before the date of this roll. There are two main debts, the first fairly simple and easy, the second debt consisting of eight subdivisions, while each of these subdivisions may contain more items than one, and some of the items again contain several original debts. The whole history of this complicated transaction has been worked out for eighty years from the date at which the charge first appears on the roll to the date at which the last payment is recorded in 4 Edward III. The exchequer was persistent in its claim; Miss Mills has been equally persistent, and pressed on to the end in spite of the difficulties put in her way by clerical errors and changes in the form of the relevant entries. This is the most complicated case dealt with in the volume, but any reader who desires other puzzles to solve may be recommended to consider the case of the dower of Eleanor, wife of Simon de Montfort, and the perplexities of the Marshall inheritance.

The subject is further complicated by arithmetical problems, and here it is perhaps possible to add a few details to the comment of Miss Mills. Let us, for instance, examine the difficulties of the account rendered by the men of Kingston for their farm. We find their farm in the roll in two parts: it consisted of £28. 10s. blanch and £21. 10s. numero and 2s. 3½d. numero of arrears. Half of each of these sums had to be paid at Easter and the other half at Michaelmas. To set out the whole calculation would take a good deal of space, especially as the exchequer, the men of Kingston, Miss Mills, and myself all arrive at different results. By the correct method, if it is the correct method, I arrive at a debit balance against the men of Kingston of 3s. 7½d.;¹ the exchequer found the same balance to be 3s. 7d., Miss Mills suggests 3s. 9d. as correct, and the men of Kingston seem to have thought that the true balance against them was 2s. 3½d. Perhaps I ought to add that the arithmetic of all parties is correct. Miss Mills says that it is chiefly a question of the proper method of turning blanch money into 'numero'. Everybody knew that £1 numero was equal to 19s. blanch. But they were not always quite sure that £1 blanch was not equal to 21s. numero. In fact it was not quite an easy thing to divide a sum of money by 19 on the abacus. It could be done, as shall be shown directly, but it was sometimes shirked. The method depended on the properties of a geometrical series, to use a modern term, and consisted in a knowledge of the rule that if a number is divided by 20 and the quotient then divided by 20 and so on, the sum of the successive quotients will rapidly approximate to the nineteenth part of the original number. Medieval calculators also knew a rule corresponding to the method known to their descendants as practice, and could readily break up any sum of shillings and pence into aliquot parts of a pound; and they also knew that the mark and the half-mark and the quarter and the eighth of the mark and so on could be readily divided by 20. If these two principles are applied, it is easy to put the operation of converting blanch money into numero into a shape which is suitable to the abacus. But to come back to the balance; there can be no doubt that the men of Kingston were wrong; they did the wrong sum and

¹ See introduction, p. xlvij. The balances given by Miss Mills are always 2s. 3½d. less than those given here. This arises from the fact that I have taken the arrears into the account.

did it in the wrong way; and it is curious that the exchequer should ever have accepted their view. It is likely enough that Miss Mills is right; but there is a faint possibility that she also has done the wrong sum. If so, she has every justification for doing so, since she has certainly done the sum set out on the Pipe Roll. But the close correspondence between the exchequer balance (3s. 7d.), which is certainly incorrect, and my result (3s. 7½d.) make me suspect that what really happened was that the scribe set the wrong sum to the *calculator* and the *calculator* did the right sum. At any rate it is curious that the exchequer should have made a mistake against its own interests. The difference between the method used in the roll and the method I have used consists in the fact that I have supposed the blanch farm and the increment both to have been paid half at Easter and half at Michaelmas, and have apportioned the two payments between the farm and increment. These details are dull and complicated; they are worth some study, if only to prevent us from thinking that the medieval clerks were poor arithmeticians. The reverse is the truth. They had not the grasp of general methods which we possess; but of special dodges for shortening computation they knew a very great deal. It is also worth noting that the case shows that we cannot expect to be quite sure of the ruling of the exchequer in all cases. The amounts in dispute here are not large, and it is not likely that the case would be fought out by either side.

This discussion on arithmetic is not meant as a criticism of anything in the book. He would be a daring man who should differ from Miss Mills on such a point. In fact, so far as I have tested this book, I find nothing in it demanding anything but respect. It is in fact so well done, that it need not be done again. Any one in the future who has the text of any Pipe Roll of the period before him can find here a clue to guide him through the maze.

C. G. CRUMP.

Calendar of Fine Rolls, 1369-77. Vol. viii. (London: Stationery Office, 1924.)

THE present volume completes the series of five which cover the reign of Edward III. As war with France had been renewed in 1369, its contents resemble those of earlier volumes concerning the great fighting years, recording strenuous efforts to meet the 'necessary expenses for the furtherance of the king's wars and the defence of the realm' by financial levies of all kinds. The roll for 1371-2 reflects the bad blunder made by the king's lay ministers, when they thought that they could raise a sum of £50,000 by an assessment of 23s. on each parish. Three membranes are filled with the fresh appointments and instructions necessary when they 'found for certain that there were not enough parishes in the realm' to do this, and had to demand 116s. apiece instead. Stress of experience also taught a lesson that the medieval administrator was slow in learning, namely that a man cannot do two things at the same time as successfully as one. In 1373 Edward appointed new collectors of a tenth and fifteenth in the county of Gloucester in place of John Clifford, 'whom the king has thought fit to remove utterly from such levying because he still owes the king great sums of money of the issues of the county from the time when he was

sheriff thereof, which sums he has not yet levied from his debtors, so that he cannot fittingly attend at one and the same time to the levying of the tenth and fifteenth and the levying of the said sums' (p. 199). If such precautions had been more frequent, the Pipe and Memoranda Rolls would present fewer problems than is unfortunately the case. A minor instance of royal thriftiness is to be found in the orders given to the keeper of the victuals in Dover Castle to 'sell as dearly as possible' certain things 'which have gone bad and are of no use to the garrison' (p. 294). This is a contrast to the doings of Edward's grandfather in similar circumstances, when damaged stores were listed with the note 'datum pro Deo', but is quite in accordance with contemporary practice. The officials of Elizabeth de Burgh, for example, drew a careful distinction between the good wine which their lady would drink and that 'of no value' which they must sell.

Foreign affairs leave little direct impress on these rolls, but there is an order to sell two arrested ships belonging to 'men of Abbeville in Ponthieu, the king's enemies and traitors', after they had joyfully welcomed in the French in 1369 (p. 11), and there are complaints that 'very many aliens of the power of France' living in Jersey have escaped the confiscation of their possessions and are behaving in disobedient and rebellious fashion (p. 134). A new keeper of the Channel Islands was appointed in 1373, because the existing official would not endure the cost of the keeping in time of war (p. 210). Domestic affairs of all kinds are well illustrated. There is a curious case of an attempt to disinherit a minor in the guardianship of the king, by using his father's seal, which was in the keeping of the parson of Ware, to authenticate a forged release of all rights in certain Essex manors, and putting a date at which the father was still alive (p. 142). The university of Oxford is shown in a state of great confusion in 1372 (p. 174), appealing 'to foreign parts' against the king's decree. Another glimpse of friction with the pro-French papacy is given when the newly elected abbot of Waltham Holy Cross, to whose election the king has agreed, 'has spurned the election and received the temporalities from the pope by virtue of a reservation lately made by the pope' (p. 158). A tantalizing service is recorded as due from the holder of a messuage and carucate of land in Shrivenham in Berkshire: 'As often as the king shall please to travel on the bridge of Fowyaresmull, the lord of the said messuage and land shall come before him and offer him two white capons with these words, 'Behold, lord, these two white capons which you used to have at another time, and not now'. But where is the bridge of Fowyaresmull? The index, useful though it is, does not help us here.

The latest entries in the volume go with a dying fall, reflecting many of the deaths and disasters which marked the close of the reign. The brief triumph of the Good Parliament is mirrored in the orders for the confiscation of the lands and goods of Richard Lyons (pp. 350, 354). The death of Edward, prince of Wales, leaves its mark deep, and so does that of Mary of St. Pol, countess of Pembroke, foundress of Pembroke College, Cambridge, and relative, at this trying time, of all sorts of conspicuous people on both sides of the Channel.

HILDA JOHNSTONE.

Historical Manuscripts Commission. Report on the Manuscripts of the Duke of Portland preserved at Welbeck Abbey. Vol. ix. (London: Stationery Office, 1923.)

THIS ninth volume of the Harley papers at Welbeck, besides one or two isolated scraps, contains three considerable bodies of matter printed in full. The first is a letter-book of Sir John Holles of Haughton in Nottinghamshire, afterwards Lord Haughton and finally earl of Clare. The letters are both to Holles and from him, and belong to the years 1595–1617. Some of them have merely a personal interest, while others, especially some of his own composition, seem to have been selected by Holles or his son for a merit of style which will impress a modern reader less than it did their kinsman Gervase Holles.¹ The most important in substance are those which describe parliamentary proceedings in 1607 (pp. 110 *seqq.*, 121 *seqq.*) and 1614 (pp. 27 *seqq.*, 132 *seqq.*); but they do not appear to add materially to what is known of the course of events. There is a good deal, though not of great interest, about Henry, prince of Wales, who was Holles's master, including an ornamental speech of Holles on the prince's marriage (pp. 41 *seqq.*). Some of Holles's local concerns as a landowner are well illustrated, especially the enclosure of Blackwell near Alfreton in Derbyshire (pp. 22–3, 59, 72, 76), and a dispute of 1599 about weirs in the Trent (p. 74). In an interesting letter of 1613/14 Holles represents to Chief Justice Coke, then on circuit at Nottingham, the disadvantages of allowing tenants, servants, or any but substantial freeholders to be constables, coroners, or the holders of county offices (p. 21). The people he objected to were not his own tenants or servants but those of his enemies.

As is the custom of the Historical Manuscripts Commission, this is a plain text without notes. No indication is given that some of the letters have been printed before.² The editor does not mention the other known letter-book of Holles for this period, Additional MS. 32464, which was bought by the British Museum in 1885. This can scarcely be an oversight, for the manuscript is mentioned in the article on Holles in the *Dictionary of National Biography*; and it is much to be regretted that the rules of the Historical Manuscripts Commission should have precluded its use. It is fragmentary, but it is simply another, and in several ways a much better, manuscript of the same collection of letters which is now printed. It lacks some of the matter; but it supplies not only additional groups of letters but other information needed in an edition, e. g. the exact dates of the letters to Henry, prince of Wales, which in the printed edition (pp. 50–1) are dated only by the month. The editor has lost a fair opportunity by not editing the two manuscripts together. Even if that was impossible he ought to have given such information about the handwriting and arrangement of the Welbeck manuscript as would have enabled one to begin to consider what may be the relations of the two. The spelling of the printed version is modernized. Whether this is a good

¹ See Collins, *Noble Families*, p. 96.

² e. g. that to Burleigh, pp. 7–8, which is printed from another manuscript with different, and apparently better, readings in Walpole's *Royal and Noble Authors*, ed. Parke, ii. 283–7.

plan may be debated, but at least it is a plan which demands great accuracy. Here there are some obvious mistakes (e. g. the 'Collington' of p. 15 is 'Cottington' on p. 26; the Italian quotation on p. 109 has gone wrong; 'Finces' on p. 145 should be 'Fiennes' or some such spelling), and if they are not slips of transcription or misprints the editor should have corrected them and pointed them out. A more serious error of judgement concerns the order of the letters. In the Welbeck manuscript they are neither in chronological sequence nor in any arrangement of subjects or persons that I have been able to discover. If it was necessary to reproduce this very inconvenient disorder, at least the reader should have been provided with a chronological table. These points are not pedantic: they concern the usefulness of the book as an instrument of research and even as a book to read for pleasure. For the first purpose, if not for the second, we expect the Historical Manuscripts Commission to set a high standard.

These criticisms must be understood to apply only to the first main section of the volume. The second part consists of the dispatches of James Vernon the younger, envoy extraordinary to Denmark, to Robert Harley as secretary of state, and a few from his successor Pulteney and from the Rev. Charles Vernon (who had charge in the interval between the two) with a few drafts of Harley's replies. James Vernon's dispatches are good and clear: the period they cover is from November 1704 to July 1706. His only serious responsibilities in this period sprang from the old rivalry of Denmark and Holstein-Gottorp. This was the time of the famous dispute about whether the name of the duke should be printed, in their joint proclamations, in smaller letters than the king's. In 1705 a more serious matter arose. The bishop of Lübeck died. By an arrangement which went back to 1647 the chapter were bound to elect from the Holstein-Gottorp family, and the obvious successor was Christian Augustus, the nephew of the late bishop, who, besides being coadjutor of Lübeck, happened also to be administrator of Holstein-Gottorp, on behalf of his two-year-old nephew, Duke Charles Ferdinand.¹ The king of Denmark, however, on complicated and flimsy pretexts, encouraged his own brother Charles to put in a claim to be elected; and Danish troops forcibly turned the administrator's garrison out of Eutin. The English and Dutch, fearing that Charles XII of Sweden would make war on Denmark over this question, did all they could to restrain the Danes, and, after a great deal of shuffling, Prince Charles allowed the sea-powers to buy him off from his claim. The events and arguments were much more complicated than this, and it would, in any case, have been almost impossible to understand them from Vernon's piecemeal narrative letters. The account of them in the introduction is accurate, though very brief, but the index does not give the help that it ought to give. It does not indicate that the administrator is the same person as the coadjutor, and it does wrongly suggest that there were two bishoprics and two chapters, those of Lübeck and Eutin. The text itself is, however, satisfactorily done, though there are one or two misprints, such as 'Gottery' for 'Gottorp' (p. 169). 'Idonia' on p. 199 should perhaps be 'idonea'.

¹ There is an isolated letter stating part of his side of the case in *Portland Papers*, iv. 291.

The third body of correspondence gives letters to Harley from The Hague and Utrecht, 1707-14, mainly from Strafford, the ambassador, in 1711-14. The subject-matter, the peace negotiations with France, is by far the most important in the volume, and these letters will be of much value to any historian who writes a narrative of the Utrecht negotiations. Strafford's character, more vigorous than wise, comes out well in the dispatches, of which perhaps the main novelty is the light they throw on his unsuccessful attempts to modify the policy of the ministry in London.

G. N. CLARK.

Europe in the Seventeenth Century. By DAVID OGG. (London: Black, 1925.)

THE reviewer of this book, predisposed, by a realization of the vastness of the scheme and the pluckiness of the attempt, to bestow generous praise, will needs be chilled when he finds Mr. Ogg sneering in his preface at 'the barely literate puerilities of Saint Simon' and 'that jejune and least reliable of Voltaire's writings—the *Siècle de Louis Quatorze*'. The author obviously claims to be judged by a very high standard.

Much good, undoubtedly, must be said of his book. It is the reverse of dull. It is full of interesting and vivid detail, culled from a great variety of original reading. The author's style, too frequently somewhat slipshod and occasionally rather heavily sententious, may at times irritate; it never bores. Altogether there is a freshness, an individuality about the book which as a rule is lacking from general histories of this kind. The pages dealing with 'the social conditions, the economic theories, the religious controversies, the public opinion and the philosophical thought of the period' (to quote from the author's preface once more), are often original and on the whole very good.

But the book as a whole leaves one unsatisfied. The great defect of Mr. Ogg's equipment for his task has been his lack of understanding of the history of international relations. Throughout he is better at describing 'the static conditions' than at explaining the forces by which, to use his own expression, they were 'transformed into dynamic'; forces which he himself surprisingly limits to 'Religion'. But this particular defect explains the faulty composition of the book: no writer who was alive to the interaction of states could have acquiesced in a scheme which left out England and the extra-European world. It also explains why the author's valuation of the great actors of the historic drama so frequently strikes one as unhistoric.

Louis XIV, for instance, is not disposed of by calling him names. It is essential that one should begin by understanding his foreign policy. Mr. Ogg might have 'summarized the less important campaigns' even more briefly and 'confined the record of royal intrigues to' even more 'moderate dimensions' (the preface again), and yet have produced a clearer and more accurate account of the problems of foreign policy which dominated the reign. It is a mistake to suggest that the king's dislike of the Dutch was one of the main motives of his attack in 1672. Mr. Ogg, who fails to see that Louis XIV's attempt to break the republic was

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intended as a preparation for the conquest of the southern Netherlands, cannot, consequently, make clear the extraordinary swing-round of his policy when, that attempt having failed, he tried to achieve the same object by placating the republic, as he had done in the days before the Triple Alliance. It is impossible to gather from Mr. Ogg's pages that at Nymegen Louis succeeded in dividing the allies, and that this is one explanation of his impunity during the next few years; to say of William III that in 1678 he was the only one of the combatants who desired to continue hostilities is a positive misstatement.

I might develop this criticism, but I prefer to say something about one of the chapters at the end of the book dealing with the less-known peoples, the one on which I happen to be able to form an opinion. No doubt it would not be just to present it to the reader as a fair sample of Mr. Ogg's work. No doubt it is worse and less 'reliable' than the rest. But it is extremely unsatisfactory.

The chapter on the Dutch republic begins with an impertinence,¹ and it abounds in inaccuracies, misapprehensions, and misstatements. The author throughout exaggerates the power of the princes of Orange; on p. 410 he leads the reader to conclude that 'after the execution of Barneveld in 1619' the states general no longer discussed questions of foreign policy; on p. 411 he asserts that in the council of state 'the Prince of Orange had two votes and a casting vote'; repeatedly he speaks as if after 1672 the system of government was 'monarchical in all but name'. While it is unfair to describe, as he does without any qualifications, the states régime as 'separatist', it is more than it deserves to speak of its 'political idealism', and although on p. 409 it is observed with truth that the Dutch political system was oligarchic, John de Witt, on p. 429, is called a 'democratic idealist'. It is absurd to describe Friesland as 'entirely maritime', or to speak of 'the practical uniformity of religion' prevailing in the Dutch republic. On p. 424 the year in which de Witt became grand pensionary is wrongly given as 1651 (it should be 1653), and while in the chapter on Holland the deaths of Oldenbarneveld and of William II are correctly dated, elsewhere they are placed respectively in 1617 and 1652 (p. 122 and p. 238). The account given of the peace of Utrecht and the events leading up to it, both in this chapter and in the earlier one on 'Bourbon and Hapsburg', is extremely inadequate. The French victory at Denain in 1712 is mentioned (p. 276) as evidence that France was renewing her youth, but without the explanation of the inactivity of the English army under Ormonde. Not a word is said about England's rôle in the peace negotiations and the bitter resentment it caused among England's allies. The Townshend treaty of 1709, by which the whigs overcame Dutch reluctance to continue the war, is not even mentioned, and it is simply stated that in 1710 'the Dutch persisted in impossible demands' (p. 274). No wonder that the reflections, at the end of the chapter on the Dutch republic (p. 437), on the causes of the decline of Holland and the difference between Holland and England are quite beside the mark.

P. GEYL.

¹ 'In the seventeenth century the Dutch attained the highest point in their civilization and political power: only their commercial instincts have survived.'

Iron and Steel in the Industrial Revolution. By THOMAS SOUTHCLEE ASHTON. (Manchester: University Press; London: Longmans, 1924.)

THIS is a valuable book, which is in many ways a model of what the history of an industry should be. It brings together much information scattered up and down printed sources. It supplements it by the use of manuscript material, consisting mainly of the records of distinguished firms, which, with the exception of the Boulton and Watt Collection at Birmingham, has never, so far as I am aware, been properly used, if indeed it has been used at all. And it presents the results in the form of a lucid narrative, which gives the reader sufficient, and not more than sufficient, detail to enable him to follow the process by which the author reaches his conclusions.

Any account of the iron industry must necessarily give a considerable place to technical matters. Unlike the textile trades, in which the inventions were the climax of an almost uninterrupted expansion, the manufacture of iron in England was on the decline when the inventions launched it on a career of new expansion. Its technical history down to the early eighteenth century was mainly the story of a prolonged, and unsuccessful, attempt to avert the operation of the law of diminishing returns caused by the exhaustion of timber. The latter part of what may be called the wooden age of economic history was haunted by the problem with which Jevons threatened the coal age in 1865. The efforts to save it took the form of a policy of timber conservation on the part of governments, of the development of the coal industry by capitalists, and of experiments in smelting iron with coal, which had begun before the end of the reign of Elizabeth. It has generally been thought that these experiments were unsuccessful till the time of the second Darby of Coalbrookdale, i. e. 1730-5, though Scrivener ascribed the introduction of mineral fuel to 1713. Mr. Ashton shows that the elder Darby was smelting iron with coke at least as early as 1709, having found a way, presumably, of greatly increasing the strength of the blast. His evidence for this conclusion consists largely of extracts from the books of the firm, showing its purchases of coking coal, and to me, at least, it seems convincing. This part of his book illustrates the discoveries which may be made by the economic historian who will explore the archives of firms as diligently as has been done by Mr. Ashton. His account of the epoch-making inventions of Cort, and of the relations between Watt and the iron-masters, has not anything quite so sensational as this. But it gives a vivid and illuminating picture of the industry when it was on the eve of the great expansion. The output of pig iron was 68,000 tons in 1788, and 250,400 in 1806.

Economic development takes place in a world which is interested in a good many matters besides economic progress, and the iron industry had its full share of what Adam Smith called the 'impertinent and oppressive' interference of the legislature. Sometimes it asked for it: sometimes it resisted it. Whatever may be true of the mercantilism of an earlier age, that of the eighteenth century leaves an impression of a welter of vested interests each playing for its own hand, in which any stable principle or

policy is hardly to be discerned. The crucial point in the commercial politics of the industry were the relations with Sweden, whose exports of iron were vital to the English hardware industry in the first half of the eighteenth century, but with whom England had an 'unfavourable' trade balance, and with the English colonies in America, which were considerable potential producers of pig and bar iron, but whose competition, at any rate in the more advanced stages of the industry, was dreaded by English interests. Mr. Ashton's description of the manner in which commercial policy was influenced by diplomatic considerations is extremely instructive and entertaining. So also is discussion of the effect upon the industry of war. Sombart has said that the stimulus to improve technique in iron-founding came from the demand of governments for cannon, and there is abundant evidence in Mr. Ashton's pages both of the manner in which war acted as a forcing-house, and of the sinister bias which it gave to economic development in the late eighteenth and early nineteenth centuries, crowding the work of decades into a few feverish years and then leaving the industry to find new openings as best it could when war contracts came to an end. The situation in 1816, when producing capacity was in excess of the demand, seems to have resembled that of the steel industry at the present day.

The iron industry, which by the latter part of the eighteenth century was concentrated in certain well-defined areas, and on which the overhead charges are so heavy that there is a strong temptation to go on producing, even at a loss, rather than shut down, has always been fertile ground for combination, and Mr. Ashton gives an interesting description of the manner in which organization gradually developed among manufacturers. His account of the origin of the new captains of industry is also instructive. The class which supplied most of them appears to have been that of the small masters in the hardware trades—locksmiths, file-makers, blacksmiths, and kindred crafts. The great majority of them appear to have been nonconformists of a somewhat uncompromising kind, in particular Quakers, and Mr. Ashton, though he does not mention Weber, endorses his thesis that 'the spirit of dissent naturally led to industrial success'. His treatment of labour in the iron industry is perhaps not quite so successful: indeed his chapter on 'the ironworkers', though containing some interesting matter, appears to me the least effective in the book. Possibly the materials are scanty, though, in view of what one knows of the evidence available for other industries, that seems hardly likely. Possibly Mr. Ashton was less interested in the social condition of the wage-earner than in the technique and commercial politics of the industry and in the masterful personalities who led it. He suggests in his introduction that official documents, such as the reports of commissions of inquiry, are a less satisfactory source for economic history than the records of firms. So they are, for certain sides of it. But on other and not less important aspects the evidence supplied by the proceedings of business houses, who, as the quotations from Watt show, were apt to regard the operatives as provokingly unreliable machines, throw little light, and it would be a misfortune if the laudable desire to exploit materials which have not yet, except in Professor Unwin's study of Samuel Oldknow, been properly used,

led to the neglect of evidence coming from a different angle and throwing light on other, but not less significant, questions. But in view of the high level of the rest of Mr. Ashton's work, it is ungracious to do more than express gratitude for an extremely valuable book, and to express the hope that Mr. Ashton may soon be in a position to carry out the project of writing the history of the metal trades of West Lancashire, to which he refers in his introduction.

R. H. TAWNEY.

Journal of the Commissioners for Trade and Plantations, February 1708-9 to March 1714-15; March 1714-15 to October 1718. 2 vols. (London : Stationery Office, 1924, 1925.)

AMONG the advantages secured by the separation of the Journal of the Board of Trade from the other papers printed in the colonial series of the *Calendar of State Papers* is the clear light thereby thrown on the actual activities of the commissioners. Whatever may have been the case at a later date, it seems plain that during the years in question they worked hard and faithfully, attempting a difficult task with zeal and discretion. If they reflected the mercantilist views of their day, it must be remembered that the *raison d'être* of their appointment was that such views should find more practical enforcement. It may be that the board would have been strengthened by the presence of an able economist, such as was Davenant. But to recognize this need not involve a condemnation of their general work. Assuredly, if the commissioners carried out their programme of 17 November 1717, they could not be accused of idleness. They had appointed 'Mondays for . . . reading letters, petitions, memorials, and other papers that shall be brought in ye preceding week. . . . Tuesdays and Wednesdays be set apart for plantation business. Thursdays for trade and Fridays for the laws of the plantations'; though it is fair to note that the members of the board were not equally regular in their attendances. When delay occurred in dealing with correspondence from the colonies, in these earlier years at any rate, it was wholly due to the stress of work occasioned by the necessity of making new arrangements as to trade with foreign countries after the conclusion of peace. Those of us who are mainly concerned with colonial history are apt to forget that the members of the board were commissioners for trade as well as for plantations.

With regard to the substance of the conclusions arrived at, the reports no doubt somewhat lose in value by being for the most part in the formula : 'A letter to Col. Quarry, in answer to his of the 5th July last, . . . was agreed and ordered to be sent'; or 'the draught of a report in answer to the said order was drawn up, agreed and ordered to be transcribed'. One can, however, usually gather from the context what was the purport of such letter or report. Considering what at one time it was the fashion to say about the wise attitude of indifference with regard to domestic questions in the colonies, before the intrusion upon the scene of George Grenville, it is amusing to find the commissioners, in 1718, solemnly busying themselves about an act passed by the Massachusetts assembly 'against hawkers, pedlars and petty chapmen'. Nor could the difference of moral ideals in different ages be better illustrated than by a petition of

the Society for the Propagation of the Gospel, praying for a reversion of the island of Barbuda. They would then buy negroes, and endeavour to plant and raise ginger and cotton works 'which . . . would inable the Society to proceed in the propagating the Gospel in those parts'.

The usefulness of these volumes will be greatly increased if they are studied in connexion with Dr. Dickerson's authoritative work on *American Colonial Government, 1696-1765*.
H. E. EGERTON.

Willem IV en Engeland tot 1748 (Vrede van Aken). Door Dr. P. GEYL.
('s-Gravenhage : Nijhoff, 1924.)

It is usual for historians to state or assume that the republic of the United Provinces was during the first half of the eighteenth century the submissive ally of England, that, in the classic phrase of Frederick the Great, it was towed 'comme une chaloupe qui suit l'impression d'un vaisseau de guerre auquel elle est attachée'. There is much to support this view. The whig advocates of the 'old system' assumed that the Dutch were the primary and the necessary allies of England. The barrier treaty of 1715 was the seal and symbol of the alliance. The current phrase of the 'maritime powers' implied a solid unity which could only be secured by the preponderance of the more powerful partner. The name of the quadruple alliance was given to a league in 1718, although the Dutch never actually signed the treaty, on the assumption that England could at any moment secure their adhesion.

A more detailed examination, however, shows that Dutch submissiveness has been exaggerated. In the period covered by Dr. Geyl there were two great disturbances in Europe, the war of the Polish and the war of the Austrian succession, and in neither could English ministers dictate the conduct of the government at The Hague. In the first war the states general, without consulting England, concluded a hurried treaty of neutrality with France on condition that there should be no attack upon the southern Netherlands. It is true that the decision was not unwelcome to Walpole, as it supplied him with a pretext, of which he made full use, for English abstention from the war. But this involved the admission that England was towed by its dependant ally, and London was inclined to resent this reversal of the customary relations. Horace Walpole was sent to The Hague to restore co-operation, and to bring about a joint mediation of the maritime powers, which Fleury dexterously evaded.

In the Austrian succession question there was at the outset a more obvious agreement as to the fulfilment of their common obligations to Maria Theresa, but there arose a very irritating divergence as to the method of carrying out their agreed policy. The Dutch, always jealous and afraid of Prussia, were by no means willing converts to the English plan of inducing Maria Theresa to buy off Frederick by substantial concessions. George II's treaty of neutrality for Hanover in 1741 exasperated the Dutch, and they refused (as Dr. Geyl is inclined to do) to credit the assertion that English ministers (with the possible exception of Harrington) had no responsibility for the electoral action of the king. When Carteret came

into office with his policy of more active support of Austria, it required superhuman efforts to extort from the Dutch their contribution of men and money for the war. It was constantly necessary to supplement the appeals of the ordinary resident envoy at The Hague by sending special agents, Lord Stair, Carteret himself, and later Chesterfield and Sandwich, to urge our ally to more strenuous exertions. The sluggish procedure of the federal constitution, the invincible reluctance to yield to outside pressure, and the strong anti-English and anti-Hanoverian prejudices of many of the republican leaders, were almost as great a handicap to England in the war as the outbreak of the Jacobite rising at home.

Side by side with the main current of European politics there was another issue which exerted an important influence upon the relations of the two maritime allies. When William III died in 1702, he left the bulk of his private inheritance to his cousin, John William Friso, the head of a junior branch of the house of Nassau, which had long held the stadholdership in two minor provinces, Friesland and Groningen. In 1711 John William died, and his widow gave birth to a posthumous son, the later William IV. There was always in the United Provinces a party, varying in strength according to circumstances, which disliked the oligarchy of republican leaders, and favoured a restoration of that monarchical element within the republic which had rendered such eminent services in the days of William the Silent, Maurice, and Frederick Henry, and again in the critical years which followed the death of John de Witt in 1672. It is not too much to say that the story of 1672 had become a heroic legend in Dutch minds, and it was practically certain that, in any great danger to the state, the surviving branch of Orange would be called upon to assume the same power and to render the same services as its predecessors had done. It was natural that England should favour the Orange tradition and the Orange party. William II and William III had both married English princesses, and the latter had been king of England, Scotland, and Ireland. It was the Orange party which had founded the alliance of the maritime powers. It is easy, therefore, to understand the disquietude and even alarm of the rigid republicans when George II proposed, and in 1734 brought about, a marriage between his eldest daughter and the young William of Orange. It seemed to be a very unequal match. The bridegroom was deformed; his office in Friesland and Groningen was little more than titular, and gave him no voice in the federal government; he was not even allowed, much as he pressed for it, to hold the rank of a general in the Dutch army. The conclusion was inevitable that George II and Queen Caroline, in arranging this marriage for their daughter, must have confidently reckoned that their son-in-law would be raised to the same rank and power as had been held by previous Orange princes, and that his elevation would give England a stronger hold than ever over its maritime twin. As long as Caroline lived she clung to this expectation, and one of her motives for desiring active intervention in the Polish succession war was the hope that it would lead to the revival of the historic stadholdership. After her death the Walpoles, for reasons of policy, dropped this aim, and disgusted the prince and princess by setting themselves to remove the suspicions of the grand pensionary and his republican colleagues. But

it was always open to England, if occasion should demand, to play the other cards which she held in her hand.

It is this story of the relations of England with the house of Orange, and of their influence on the political relations of the two maritime states, that Dr. Geyl has set himself to narrate in great detail and with no inconsiderable literary skill. He has read all the modern works bearing on his subject, with the apparent exception of Yorke's *Life of Lord Hardwicke*, one of the most important English contributions to eighteenth-century history. But his chief reliance is upon contemporary documents. He has carefully analysed the official correspondence between London and The Hague, and he has supplemented and corrected this by ample references to the Newcastle Papers, and especially to the letters of that interesting Anglicized Dutchman, William Bentinck. He has also naturally drawn upon the private correspondence of the house of Nassau, upon the Trevor papers published by the Historical Manuscripts Commission,¹ and upon the letters of Lord Chesterfield, who knew Holland better than any other Englishman. He has wisely concentrated his attention upon his main subject, and has resisted the temptation to wander into the general history of Europe. So resolute has he been in this respect that he has omitted a good deal with regard to mutual relations with Austria which might have thrown some light upon Anglo-Dutch relations. But, on the whole, he has produced a very useful and satisfactory work, and it is a pity that the language in which it is written will exclude many English students from reading it.

Dr. Geyl is no champion of English policy or of English politicians. He is inclined, like many continental historians, to regard the habitual depreciation of Newcastle as exaggerated. But he considers the English treatment of Holland as in the main selfish and unprincipled, and the English alliance as a burden rather than a gain to his country. Although he gives a most graphic picture of the defects of the republican constitution, and although he admits the weakness and incompetence of most of the republican leaders, he has obviously more sympathy with their principles than with those of their opponents. He draws a rather attractive portrait of William Bentinck—much more attractive than that of William IV—but he evidently regards his achievements as futile and even damaging to the credit and security of the state.

The most interesting and important part of the volume deals with the events of the last three years of the war. In 1746 came the first really serious attempt to bring it to a close. The battle of Fontenoy, the withdrawal of troops to oppose the Jacobites, and the complete collapse of the barrier, convinced the grand pensionary, Van der Heim, that the republic could only be saved by an early peace. Robert Trevor, the English envoy at The Hague, shared his convictions and was willing to co-operate. For a time Harrington, backed by Henry Pelham and Lord Hardwicke, seemed to have gained the king and a majority of ministers to a pacific policy. Argenson, the French foreign secretary, was willing to grant moderate terms, and sent Puisieulx to negotiate at Breda with the maritime powers. But Newcastle, who could be strangely obstinate and self-

¹ App. xiv. 9.

confident at times, was determined not to abandon Cape Breton, even in exchange for the restoration of the barrier, succeeded in nominating Sandwich to represent Great Britain at Breda, and deliberately encroached upon his colleague's province by giving private directions to the inexperienced but not incapable diplomatist. Sandwich wrecked the Breda conference by demanding the admission of Austrian and Sardinian ministers, which made it impossible for France to oppose the arrival of Macanaz to represent Spain. The whole project of making a separate treaty between France and the maritime powers, and then imposing it upon their allies, was at an end. Van der Heim had died in the summer of 1746. Trevor resigned, and Sandwich took his place at The Hague. Harrington ceased to be secretary of state, and the curious choice was made of Chesterfield as his successor. Argenson quitted the French ministry. The advocates of peace had been for the moment utterly defeated.

In order to put increased pressure upon the Dutch, who had never yet declared war against France, it was determined in Paris to invade the territory of the republic in 1747. But the result was hardly in accordance with expectations. Sandwich and Bentinck had become allies in the previous year. Under their joint influence, an outcry of treachery was raised against the republican magistrates, and a triumphant revolution raised William IV at last to the offices of stadholder and captain-general. There was a general expectation, shared by Sandwich and Newcastle, that the change of government would substitute energy for irresolution, and that the weakness which had crippled the republic would disappear as by magic. But they were speedily disillusioned by the defeat at Lafeld, which was attributed in England to Dutch inefficiency. It was already clear that William IV was no real replica of William III. There was no longer any hope of keeping Cape Breton, and even Newcastle was relieved when Marshal Saxe, after his victory, made unexpected overtures for peace through General Ligonier, who had been taken prisoner. For the second time a speedy termination of the war seemed in sight.

William IV, however, who believed in the miraculous results of his own elevation more devoutly than anybody else except his wife, was determined that the miracle should have the chance of another campaign. His first protest against the peace proposals did more harm than good in London. But a second protest, accompanied by a mission to London of William Bentinck, who was in a way both the Monk and the Clarendon of the Dutch restoration, had better results. Bentinck's confident assurances, and the prospect of invaluable recruits from Russia, carried away both George II and Newcastle, in spite of Chesterfield's wails that a change of ruler could not in itself create a Dutch army or fill the Dutch treasury. The submissive parliament voted eleven millions to be spent in enabling Newcastle to gain a better peace by a last campaign. Chesterfield resigned an office which in the circumstances he should never have accepted, and Newcastle tried to reward Sandwich by securing for him the vacant secretaryship. But Henry Pelham was at any rate nominal premier, and he jibbed at this sudden promotion of a man who had aided in twice securing his defeat in his own cabinet. Newcastle took the northern department, but had to accept Bedford as a colleague, in the expectation

that he would soon resign, and in the meantime to be content with making Sandwich first lord of the admiralty.

For the second time the prospects of an early peace had been clouded over. Argenson's proposals had come to nothing, and Saxe's offer was now rejected. Even the humiliating fall of Bergen-op-Zoom had not cooled the hot blood of Bentinck and Sandwich and Cumberland. France had nothing to do but to play her final card, the siege of Maastricht. But before its fate could be decided, a dramatic change in the situation had occurred. William IV proved a very human hero. He anticipated a miracle, but the miracle was to be wrought by himself. As a would-be emulator of William III, he must lead the allied army in the field. When he discovered that he was to be excluded from the command in favour of his young brother-in-law, and that he was not even to head the Dutch contingent, his military ardour began to cool. The new grand pensionary Gilles, who had regained the prince's favour by supporting the proposal to make the stadholdership hereditary, urged him to insist upon his claim in order to assert the dignity of his office and of the state. It was only with the utmost difficulty that Bentinck procured William's assent to the military convention which gave the supreme command to Cumberland. But the prince, encouraged by his wife, could not conceal his chagrin. He suddenly discovered that the republic had no money, which he had previously denied. If he was not allowed to wield the sword, he had a ready and fluent pen. So he sat down and rapidly drew a most depressing picture of the Dutch finances. He could not pay his own troops, much less contribute his stipulated share of the cost of the 30,000 Russians. In order to enable him to fulfil the convention which he had just signed, he must ask from his father-in-law a loan of at least a million. And, to give force to his demand, he entrusted his begging letter to Charles Bentinck, the younger brother of Count William.

Charles Bentinck carried the letter to Newcastle. It was the most startling blow which the duke had received in his prolonged official life. Chesterfield had said the same things, and had gone from office because Newcastle would not believe them. And now the very man who had insisted upon the rejection of Saxe's offers produced evidence which, if it was true, was a conclusive proof that those offers ought to have been gratefully accepted. Newcastle dared not conceal the letter from the king and his colleagues, who drew from it the inevitable conclusion. The utmost that Newcastle could obtain was delay till Cumberland had gone over and could report as to the real condition of affairs. When his report stated not only that things were as bad as they were represented, but that they were even worse; that the Austrian contributions were as inadequate as the Dutch; that Maastricht could not hold out till the Russians arrived, and that its relief was impossible, Newcastle had to admit that he had pursued a wholly wrong policy. It was some satisfaction, but little real use, to upbraid Sandwich and William Bentinck for having misled him, and he had real grounds for irritation against the latter, who admitted that he had seen the stadholder's letter but never believed that his brother would be fool enough to show it. As Newcastle conclusively replied, either the information conveyed was true or it was not, and, if it was true, the sooner

it was known the better. Dr. Geyl truly points out that in our present-day constitution Newcastle would have been forced to resign, and Chesterfield would have been invited to return to office. But, as it was then, Newcastle remained in office to carry out Chesterfield's policy, and the latter had to content himself with cynical comments in the London clubs. Sandwich received instructions to make the best terms he could, and Bentinck had perforce to be his henchman. The restoration of the stadholder had made Holland more servilely dependent than ever upon England. It was extremely fortunate, in the circumstances, and it may, as Chesterfield said, have saved Newcastle from impeachment, that the two maritime powers obtained better terms from France than had seemed possible, and that they were able to adjust the preliminaries at Aix-la-Chapelle with startling rapidity. But they had to sign them in defiance of indignant protests from Kaunitz and Chavannes, the representatives of Austria and Sardinia.

For some not very visible reason Dr. Geyl regards this as the termination of the dramatic story which he narrates with much force and gusto. He only tells us in outline of the further negotiations at Aix-la-Chapelle, of the sudden determination of Newcastle to bring about an understanding with Kaunitz, of the consequent quarrel with Bentinck and Sandwich, of the sending of Sir Thomas Robinson to supervise Sandwich, and of the failure to get any satisfactory restoration of the barrier in the final treaty. The natural end of Dr. Geyl's drama is not this treaty, nor the death of William IV, but the ultimate break-down of the old system on the eve of the Seven Years' war. Perhaps he will complete his story in a supplementary volume.

Dr. Geyl has not been kind to his readers in giving clues to his references. The date of a letter with the mere addition of 'P.R.O.' is only tolerable because a careful study of the book shows that nearly all the Record Office documents referred to are taken from the Foreign State Papers, and can, therefore, be found under 'Holland' in the catalogue. But it would save some trouble if the volume of State Papers was given. It is, however, still more disconcerting to find a date with no further reference than 'B. Mus.' This does, as a matter of fact, mean in the majority of cases the Newcastle Papers, but it is hardly fair to compel readers of the book to seek for their own clue to the mazes of the British Museum.

RICHARD LODGE.

Kabinetstyrelsen i Danmark 1768-1772. Aktstykker og oplysninger.

Udgivne ved HOLGER HANSEN. (København: Reitzel, 1 Bind 1916, 2 Bind 1919, 3 Bind 1923.)

AFTER an incubation of more than sixty years, the great work designed to illuminate the Struensee period from the Danish archives has reached the moment (17 January 1772) at which the mysterious minister fell from power. In 1768 the 'Cabinet Orders', emanations of the king's will proceeding from his private bureau, began to be carefully recorded. In September 1770 J. H. E. Bernstorff was dismissed, and his opponents then changed the sluggish government by boards into a vigorous and

ruthless autocracy. During the first four months of his emancipation, Christian VII issued such orders five times as frequently as before; and next year, as Struensee's importance increased, this rate was more than doubled. From 15 July 1771, when the most notable of cabinet orders gave to Struensee's signature the force of law, some five were issued, on the average, every working day.

Mr. Hansen has collected 2,120 cabinet orders, of which more than five-sevenths belong to the Struensee period proper. These 2,120 he has calendared and annotated in a work of some 1,850 pages—an achievement which must command the gratitude of all students of the age. Not only is every scholarly indication given of the origin and fate of each order, but, where desirable and possible, the matter to which it relates is explained, and any relevant archives appended. The value to the social historian, as well as to the constitutional, is often immense, and by no means limited to Denmark. The report of the official who was sent to discover why the posts were late and who found himself marooned for eight days on an island in the Great Belt; Warnstedt's account of his mission to Petersburg; the decree that criminal judges who failed to try prisoners promptly should pay them damages; the endless history of the war with the Algerine pirates and of the struggle to establish a state lottery; reports and plans without number for government departments and institutions: all these are but random reminiscences of the wealth of new material which is here provided.

So voluminous and polyglot a work could hardly be free from minor errors, several too obvious to be misleading. It would be interesting to know why Struensee habitually spelt his name differently when addressing court functionaries, and whether he actually Danicized it into 'Struensen' for the Guild officials [2123] or countersigned a cabinet order as early as 25 May 1770 [1726]. It may be suspected that in 368 '*abandonné aux Suédois, même*' should be '*abandonner aux Suédois mêmes*'. Small points like these, however, will not divert the reader from inquiring how far this encyclopaedic issue of the cabinet orders modifies the hitherto accepted view of the Struensee régime. Many, of course, have been previously published, and many more are merely the equivalents of cheques, receipts, 'compliments' slips, invitations, or other trivialities of routine. The fact that by this method Hebrew manuscripts were borrowed for Dr. Kennicott of Oxford, or that the queen discharged a kitchen-maid or installed a milkmaid or an iron stove proves something, but not much, while the total is further raised by the inclusion of numerous duplicates of more important orders. Eleven copies of Struensee's appointment as minister of the privy cabinet went to as many departments of state on the same day. The *tempo* of government was unquestionably accelerated, and some of the orders are unquestionably doctrinaire. But the general effect of the documents is rather to discount the traditional condemnation of Struensee as a man who poured forth ill-considered legislation for its own sake. They likewise tend to dispose of the insinuation that after the first months of power his reforming impulse diminished and that he himself was paralysed by fear. They confirm, on the other hand, the prevailing modern view of his ministry as fundamentally benevolent in

design, active for public health and entertainment, radical, and illustrative on several sides, notably in foreign affairs, of the futility of government by *a priori* notions. The reader may opine that if Denmark were to have an incompetent autocrat, as seemed to be her destiny for many years, the mass of the population might fare better under a Struensee than under such statesmen as his predecessor Bernstorff.

What was the part played by the reigning autocrat while 'cabinet' government was at its height? Dr. Viggo Christiansen, influenced largely by Reverdil's book and Struensee's own description of Christian VII, has concluded that the king was incapacitated by insanity from exercising any initiative or control. These documents prove that he continued to participate in the routine of business, to sign certain classes of documents while leaving others to his minister, and to annotate, often at length, no inconsiderable number. It may be, as Reverdil contends, that his part was that of secretary, but this is as questionable as some other statements which that honest philosopher made long after the event. An expert in eighteenth-century German might be able to solve the puzzle on grounds of language. For the time being, what is here published seems in this as in most other matters to leave Struensee's reputation somewhat higher than before. We hope that the decision to end with the orders of 16 January 1772 may be revised, and that the statement 'a great part of the Guldberg period bore the stamp of cabinet government' may receive an equally illuminating documentation. W. F. REDDAWAY.

Le Mouvement des Idées dans l'Émigration Française, 1789-1815. By FERNAND BALDENSPERGER. 2 vols. (Paris: Plon, 1924.)

M. BALDENSPERGER is known both as a critic and historian of literature. It is therefore only to be expected that his interest lies more in the literary expressions than in the political theories of the *émigrés*. His intention was to write the literary history of the emigration and to trace the movement of ideas produced by exile among some 180,000 of the most cultivated persons from the most highly civilized country in the century of the Christian era which attached most importance to the intellect. For this purpose a geographical or chronological arrangement would have been obviously unsuitable, and the author has divided his volumes by subjects, giving in the first, called *The Experience of the Present*, the views of the *émigrés* on the countries and peoples of their adoption, their artistic and dramatic theories, their memoirs and novels (not greatly dissimilar), their poetry, and their patriotism. For the second volume he adopts Barbey d'Aurevilly's title—*The Prophets of the Past*—and in it shows their views on freemasonry, their attitude to science, and their political and religious philosophy. Generally speaking, the *émigrés* could see where the old régime was at fault, while considering the catastrophe which abolished it inevitable, and while recognizing the necessity for reconstruction in the future, still looked back to a golden age of privilege and insisted on the interdependence of organized catholicism and a monarchical system which should continue to be the fount of honours.

M. Baldensperger has searched the archives and libraries not only of

most of the countries of the Old World but of many of the New ; and where so much is given it may be ungrateful to complain of what is omitted, but for the political historian the author's method has its defects. His view is that to follow the successive waves of emigration—1789, 20 August 1793, and Fructidor—would obscure more than it revealed. But the essence of the emigration lies in the fact that it took place for the sake of one political theory or under pressure of an opposing theory. Therefore, interesting though it may be to trace the evolution of the cosmopolitan romanticism of the nineteenth century from the French classicism of the eighteenth, yet the political philosophy of the different sections of the *émigrés* will always first claim attention. None of them lost that passionate devotion to their land which has distinguished Frenchmen at all periods, but some abandoned it for the sake of the monarchy, some for the church, some for privilege, and some for their lives. The author has not attempted to show the connexion between their action and their theory, nor to reconcile an admiration for the results of the English and American revolutions with an abhorrence even for the early and bloodless manifestation of the same spirit in France. The opinions of a Joseph de Maistre and a Mallet du Pau, so fundamentally divergent, are indicated, but not critically contrasted.

M. Baldensperger has rescued the writings of some *émigrés* from the obscurity of provincial libraries, but he would probably be the first to admit that, though such men as Beaumarchais and Chateaubriand could claim a place among men of letters irrespective of the circumstances of their lives, yet many of the writers of the emigration could hardly claim literary consideration but for their political misfortunes. Though he recognizes that the *émigrés* never fully understood the lesson of destiny, he cannot withhold admiration from the smiling courage with which they faced their bitter lot. The book concludes with an index containing short biographical notes of the principal persons.

M. A. PICKFORD.

Australian Constitutional Development. By EDWARD SWEETMAN, Litt.D. (Melbourne : Macmillan, 1925.)

THOUGH the historians of Australia have made familiar the process by which representative, and later responsible, government was attained by the colonies, there was undoubtedly room for a detailed study of constitutional development, based on an examination of the original records of which a considerable portion is available only in the Commonwealth. Dr. Sweetman's work is, therefore, welcome both for its careful exposition of the events leading up to the concession of responsible government and for the valuable collection of official dispatches and other correspondence appended to the narrative. Some of these papers are accessible in other collections, but there is much which it would be difficult to find elsewhere, and the author deserves gratitude for the energy which has discovered their existence and the judgement which has dictated their reproduction. The greater part of the volume naturally deals with the history of the constitution of New South Wales as of primary interest and importance, and there can be little that is not adequately noticed as regards the course of events

up to the attainment of responsible government. The only criticisms which will occur to the reader are probably some measure of regret that he is forced to resort to other sources to supply the necessary background to render fully intelligible the progress of the constitutional movement, and that the author has not taken advantage of his obviously full knowledge of the leading figures in the struggle to turn them into living persons. None of the protagonists, indeed, was of the calibre of Lord Durham, but some at least of them were men of very real ability and force of character, and just as the Durham report receives elucidation and life from our knowledge of its author, so a more personal treatment of the struggle would unquestionably illumine the history of Australian self-government. Nor would such a treatment have been inappropriate, for, though all the matters of first-rate importance in the constitutional development are duly recorded, the author shows no special interest in those minutiae which specially delight constitutional lawyers, who must still seek for information on these details in the original acts, letters patent, and royal instructions.

Some recognition is accorded by the author to the influence of Canadian history on the development in Australia, but it is perhaps hardly recognized that it was experience in America and in Canada that dominated the conception of the position throughout. The revolt of the American colonies showed its effect in the abandonment of the old belief that the British subject should as a matter of right enjoy wherever he settled the institutions to which he had been accustomed. The unrest which preceded the final break had produced for Canada the act of 1774, with its revocation of the purpose, expressed on the termination of the war in 1763, to create assemblies in the British territories in North America which had been definitely brought under the sovereignty of the Crown by the terms of peace. The view now held by the imperial government was that full legislative and executive control of oversea possessions was essential, and in the case of New South Wales and Van Diemen's Land the existence of transportation naturally reinforced in the strongest manner the objection felt to entrusting any authority to persons not under governmental control. Moreover, events in Canada were held to justify the refusal of representation; the assemblies which had to be conceded by the act of 1791 were soon at loggerheads with the executive governments, and the imperial government can hardly be blamed if it felt unwilling to add to its difficulties by creating deliberately a similar state of things in Australia. Allowance should also be made for the difficulties experienced by the imperial government in dealing with the assemblies in the West Indies, whose existence was very naturally adduced (p. 121) by the Australian Patriotic Association in 1836 in support of its claim for representative institutions. The existence of these assemblies had proved very embarrassing to the imperial government in its dealings with the issue of slavery, and it might well arouse serious dubiety as to the wisdom of allowing electoral majorities in the Australian legislatures, especially in cases where ex-convicts must form a substantial proportion of the electorate. If such persons were excluded, as desired by the 'exclusionists' in the colony, from the franchise, they might very well fare as badly at the hands of the legislature as did the negro population in the islands; if they were granted the vote, it was

excusable to feel terror lest they should use their power to sever relations with the United Kingdom. If Earl Grey in 1852 doubted whether the desire of the legislature of New South Wales for the introduction of responsible government were compatible with the existence of any colonial empire, it must be remembered that W. C. Wentworth a year later denounced in the New South Wales legislature the idea of an elective upper house on the ground that the ultimate result would be the severance of the colony from the empire, the substitution of an elected president for the king, and the establishment of a republic.

It was inevitable, therefore, that the case for responsible government should be fought out in Canada, not in Australia, for the existence of transportation weakened the position of the colonists and prevented them from attaining even representative government until after Lord Durham's report had proved the practicability of responsible government, and its publication in Australia had familiarized the public with the idea. It is fair, however, to note that E. G. Wakefield had as early as 1829 urged that responsible government was appropriate for New South Wales, and had thus contributed towards the gradual appreciation of the idea, which W. Bland immediately popularized, on the basis of Lord Durham's report, in 1839. Nor was there much delay in applying the principle to Australia when Lord Elgin had shown in Canada the true meaning of the system. Sir J. Pakington's dispatch of 1852 conceded the principle, and the short delays that followed were as much the fault of the local legislatures as of the imperial government or parliament.

Nothing illustrates more clearly the reluctance of the imperial government to be faced with a repetition of the difficulties in America than its failure to make any effective provision for legislation in the early settlements. It was no part of its intention that there should be free British subjects for whom legislation was required; it obtained power by an act of 1784 to establish penal settlements, and an order in council of 1786 appointed the eastern coast of New South Wales as the locality for such a settlement. An act of 1787 provided for the establishment of a court of judicature there and gave it a quasi-military character. There existed accordingly sufficient authority to deal with convicts, and the armed forces of the Crown were also under legal control. But from the first the governor had no real authority to legislate for other persons, and it was the realization of this fact which resulted in the passing of the act of 1823 and explains its legislative provisions. The council accorded by sec. 24 of the act of 1823 was not, as Dr. Sweetman holds (p. 45), intended to carry out the suggestion made by Governor Hunter that the governor should be granted assistance in carrying on the administration. It was, indeed, an advisory council, but only for legislative purposes, and it was because it was to act for such purposes that it was created by an act. An advisory, or executive council, was indeed conceded, but only by the royal commission to the governor of 17 July 1825, and it was granted under the royal prerogative, not by statutory authority. Similarly the wide power of legislation granted to the governor by sec. 25 in the case of actual or apprehended rebellion is not to be explained as suggested (p. 47) by the precedent of the India Act of 1786, though that measure may well have been in the minds of the

draftsmen who prepared the act of 1823; its immediate source was the wide power formerly conferred on governors in their commissions under the prerogative to act in time of revolt. When it was realized that legislation by the governor could only be sanctioned by act of parliament, it was also realized that he should be given special powers of acting without even consulting the council in case of emergency. Technically, the act of 1823 in its legislative aspect was necessitated by the realization in England that the new territory had become by force of fact a 'settled colony' in which no law could be made save by or under the authority of the imperial parliament or by a legislature of representative character.

The act of 1823 contained also a further provision which was destined to cause constant trouble in the colonies, the requirement that any law enacted should not be repugnant to the law of England. So vague a phrase was certain to cause infinite trouble, and it is interesting to find that in the constitution drafted by Charles Buller, with the aid of James Macarthur, and presented to the Colonial Office in 1838 (p. 147), the true criterion of repugnancy—much as it was afterwards defined in the Colonial Laws Validity Act, 1865—was definitely suggested: the legislature was to have power to pass acts if not 'repugnant to imperial statutes, specifically binding the colony or the colonies in general'. Much trouble, especially to South Australia, would have been saved if this view had then been adopted. The other restrictions on colonial legislation suggested by Buller are significantly reminiscent of the Durham report; they include only the imposition of duties on external trade; treaty making, or entering into any relation of peace or war with foreign nations; and interfering with the appropriation of waste lands or the revenue arising therefrom—precisely the matters which Durham would have withdrawn from the self-government accorded to Canada. There is no suggestion here of the effort, later made, ineffectually, in the colonial bills to establish responsible government, to distinguish between bills referring to local or municipal affairs which might not be disallowed by the Crown and bills on imperial affairs which might be disallowed.

The value of the book is increased by the inclusion of some interesting illustrations, but it is to be regretted that the index is quite inadequate and gives very little indication of the extent and value of its contents.

A. BERRIEDALE KEITH.

Ketteler: Ein Deutsches Bischofsleben des Neunzehnten Jahrhunderts.
Von FRITZ VIGENER. (Munich: Oldenbourg, 1924.)

THE death of Dr. Vigener at the age of forty-five will be lamented by historical students, amongst whom he was known not only for his own works but, almost universally, as one of the editors of the *Historische Zeitschrift*. His earlier studies had been mainly in the field of medieval history, but there was a close connexion of interest between them and the volume which appeared only a few weeks before he died. He had written a full and critical biography of one of the most interesting Roman catholic bishops of the last century. The learning of the author, the care and judgement with which he treats an intricate and controversial subject, will make

this life of Ketteler a standard work on the religious history of Germany between the years of revolution and the Kulturkampf. A book of this kind was needed to supplement M. Goyau's *L'Allemagne Religieuse*, and to illustrate further the reasons for the catholic opposition to mid-nineteenth-century liberalism. It is here that the great interest of Ketteler's life may be found. His career was set in the midst of the conflict between historic right and present need, between the achievements of the past and the claims of the future. He was a man of sincerity and vigour, with a strong will and an inherited love of fighting, yet driven by circumstances beyond his own control to take up a position—a series of positions—from which he was bound to be dislodged. As a catholic and a patriotic German, born within the reach of the romantic revival, he could not but prefer the leadership of the catholic Austria, the Austria of the concordat, the protectress of the papacy from French and Italian 'church robbers', to the domination of a harsh anti-catholic Prussian bureaucracy. He could write in August 1866 to the Emperor Francis Joseph that 'Ein Deutschland ohne Österreich und ohne das Kaiserhaus ist nicht mehr Deutschland. Unsere einzige Hoffnung ist noch, dass diese Verhältnisse unmöglich von Dauer sein können.' Yet he had a sense of reality (denied for so long to his French colleagues under like circumstances) and was among the earliest of the clergy to recognize the inevitable. Again, as a catholic and as an aristocrat—and as a man of pity—he disliked the bourgeois liberals and hated their economic and educational policy, and their exploitation of the catholic proletariat of the Rhineland. But who were his allies in a fight against the liberals? Either the high conservatives or the social democrats. How far, then, could the catholic church work with Lassalle, or enlightened social reformers work with Dalwigk? Finally, as a strong defender of catholic orthodoxy, Ketteler held to the received tradition of the powers of the episcopate. But this brought him into conflict with the 'newfangledness' of the extreme ultramontanes, and from the very centre of catholic orthodoxy came in 1870 the condemnation of Ketteler's theory of the government of the church.

Still more can be said. Not only did the forlorn hope or the beaten cause please Ketteler; victory itself in any one field would have meant defeat elsewhere. The victory of Austria in 1866—or the victory of the 'great-Germany' party in the years before—must have meant the defeat of any form of social democracy, Christian or anti-clerical, in Germany at all events during Ketteler's lifetime. The defeat of the new ultramontanism would only have hastened the dissolution of the theological orthodoxy which Ketteler wanted to preserve. A greater care for the material well-being and mental independence of the peasants and workmen of the Rhineland would have made them far less tolerant of the simple clerical leadership to which they submitted, for example, in the elections to the Frankfurt assembly. Perhaps the last paradox of Ketteler's career is the paradox of the papacy itself; this bishop, whose main interest was the care of souls, fought so long and so turbulent a fight with the secular power that after his death a liberal (no less a man than Bluntschli) could maintain that politics meant more

to him than religion. Dr. Vigener rightly held that such a criticism only shows 'die Unfähigkeit flacher Aufklärung, sich in die religiöse und kirchliche Empfindungswelt eines katholischen Bischofs hineinzufinden'. The source of Ketteler's hopes, the reason for his defeats, could not be more clearly given.

E. L. WOODWARD.

The Life of Lord Wolseley. By Major-General Sir F. MAURICE and Sir GEORGE ARTHUR. (London: Heinemann, 1924.)

CRITICS have of late shown impatience with the great two-volume biography, protesting with some reason that there are few men whose records require it and that the essence of the subject is often diluted till scarcely recognizable in so large a vessel. In this case, where the authors have obviously striven to be concise and have confined themselves to a single volume of 350 pages, it is made evident that their method may have inconveniences of a contrary nature. Lord Wolseley's life was long, full, and varied. The ruling passion, the main struggle, of his career was indeed the same from start to finish. The reform of the army is the thread running continuously through it and representing its greatest achievement. That task never left his mind, and he returned to it again and again. Yet all the time he was flitting from one minor campaign to another, blandly proposing himself more than once as the one man suitable to undertake the work in hand. Wherever he went, in war or peace, what he there did and thought are worthy of record. So limited, however, is the author's space to deal with some of these movements that we seem to lose breath trying to follow them. One page tells of Wolseley's arrival in one continent; almost by the next his activities have been transferred to another. Some events that concerned him indirectly are omitted altogether. There is no mention of Majuba Hill, where one of his lieutenants, a man trained beneath his own eye, met disaster and death. There is scarcely a word on what was happening in Khartoum or in the Mahdi's camp while he was advancing up the Nile. As a portrait of the man, on the other hand, the book is successful. It is frank, in no way minimizing his egotism or his zeal in pushing his own claims. But there emerges from it a very striking and lovable personality, with the mark of genius upon almost all that he accomplished or attempted.

'The tragedy of Wolseley's life was that he never met a worthy foe', said one of his associates, of the famous and much-abused 'ring' which he assembled for all his campaigns. Yet in many respects he was fortunate in his age. He was born just in time to take part in the war in the Crimea, which revealed to him the faults in organization he was to live to remedy. He was just of an age to make possible his appointment to the staff—after heroic service in the field—during the Indian Mutiny, which gave him the brevet of lieutenant-colonel before reaching his twenty-seventh birthday. That set him very early upon his path. Then, a little over two years after his appointment as senior staff officer in Canada in late 1867, there broke out the rising of Louis Riel in Manitoba. It was a trifling affair, hardly to be dignified by the name of war, but it allowed him to display his energy and remarkable powers of organization. India, it may

be said, had led to the Red River. The Red River brought him to the right hand of Cardwell at the War Office. Cardwell was a good judge and had made no mistake in his choice. His name and that of Wolseley will always be remembered together as those of the creators of our modern army. At the moment he was still young and no more than assistant adjutant-general. But within little more than ten years he was to hold the offices of quartermaster-general and adjutant-general, and he was to carry on the work then begun long after Cardwell had left the scene. The three great reforms which he saw accomplished were the abolition of the sale of commissions, the creation of a reserve by means of a system of short service, and the organization of enlistment upon a territorial basis. Of the three, the second was the most important and the furthest reaching in its effects. With it went the linking together of the regiments of the line, more than four-fifths of which had then but one battalion; though this was not completed until some years later. This gave us the system whereby a territorial area supplied two battalions of the line and two of the militia; one of the former for foreign service and the other for home; the whole formation based upon the *dépôt*, the centre to which reservists were summoned and the repository of the arms and clothing of the militia and army reserve. It is certainly not, as is sometimes loosely claimed, the only system under which a world-wide colonial empire can be safeguarded, but it is almost equally certainly the best for a nation with such an empire, which is unwilling to adopt conscription in any form.

The book is of importance for the light it throws on Gordon's mission to the Soudan. That question ought, indeed, to be fairly clear, but has been confused by passages in Lord Morley's *Life of Gladstone*. If Gladstone thought that Gordon was committed unconditionally to evacuation, he cannot have studied the latter's own draft of his instructions, handed to Lord Hartington, containing the words 'to proceed to Suakin and report on military situation of Soudan and return'.

There is no doubt [write Wolseley's biographers] that the government wanted not only to evacuate the Soudan, but to come away from Egypt; but there is equally no doubt that both Gordon and Wolseley were agreed that the proper course was that which any experienced soldier would have recommended, namely, that Gordon should go and see the situation in the Soudan before advising on any definite course of action. That is what Gordon told Wolseley and what Wolseley told Hartington, but most important of all it is what Gordon put into writing and gave to Hartington, who passed it on to Gladstone. Gordon told Hartington that he 'might recommend absolute and immediate withdrawal. He could give no opinion without seeing the state of affairs on the spot.'

It is hard to see how Gladstone's defence by Morley can stand on this point.¹ But there is surely less evidence still of Mr. Lytton Strachey's suggestion of a Machiavellian conspiracy on the part of Wolseley and the imperialist section of the cabinet that Gordon should 'get into difficulties' and that then a military expedition should be sent to extricate him.² The relieving expedition, when finally sanctioned, was well planned and well handled. It was Wolseley's one failure in the field, but it seems to us as we read of it that the margin of human error was cut finer than in the case of the vast majority of military successes. The last period

¹ *Life of Gladstone*.

² *Eminent Victorians*, pp. 260 f.

before the retirement from service, when he reached the supreme office of commander-in-chief, was perhaps disappointing. He himself had helped to lessen the powers of that office. Little, comparatively, is said here of the war in South Africa, but it is generally known that the old soldier was no longer at his best in that period. Yet he had, with Cardwell and Lord Haldane, the chief part in forging the weapon that was to prove itself within eighteen months of his death. Perhaps the general public demands the large number of illustrations here included, but the student would willingly dispense with half of them in favour of more numerous and more detailed maps.

CYRIL FALLS.

Short Notices

Professor Jorga has published *Cinq Conférences sur le Sud-Est de l'Europe* (Bucarest: Suru, 1924), full of interesting matter. Thus he shows that Roman penetration into Dacia began with the peasants before Trajan's conquest, and that the Tartar invasion of Moldavia has still left traces in the Moldavian custom-house system and nomenclature. His conclusion that south-eastern Europe 'demande un roi qui règne' seems scarcely confirmed by recent events. W. M.

The *Calendar of Institutions by the Chapter of Canterbury, Sede Vacante* (Kent Records, 1924), edited by the Rev. C. E. Woodruff, with additions, notes, and an excellent index by Miss Irene Churchill, is an admirable volume. The *Sede Vacante* registers in the custody of the dean and chapter of Canterbury supplement the registers of the archbishop and bishops of the province of Canterbury. The prior and chapter of Canterbury acted as guardians of spiritualities when the see of Canterbury was vacant, and also for other sees, if they fell vacant at the same time. The composition of 1278 by which the prior and chapter submitted to the bishop of London, as representative of the bishops of the province, the names of two persons of whom the bishop chose one to act as commissary-general, is printed in Appendix A.

The calendar contains a mass of information about the parishes in the diocese of Canterbury from 1292, the names of rectors and vicars and their patrons, among them fresh names of several heads of religious houses and hospitals. There were a number of institutions during the Black Death in 1349, and in the city of Canterbury the prior and chapter sanctioned the union of the parish churches of St. Mary de Castro and St. John, and also of St. Mary Bredin and St. Edmund of Redyngate on account of poverty. Before the Reformation there are also entries relating to three Welsh dioceses, and to those of Bath and Wells, Chichester, Coventry and Lichfield, Norwich, and Winchester; owing to the deprivations of bishops, many sees are represented either in the reign of Mary or at the opening of the reign of Elizabeth. The volume is so well arranged that it is possible to see at a glance if a particular parish is included. Institutions at the beginning of the sixteenth century illustrate the practice by religious houses of disposing of the next presentation to livings in their gift, possibly to benefactors, but more probably for a sum of money. It was not confined to them. John Voysey, bishop of Exeter, is said to have died at the age of 103 in 1555; he had granted away the next nomination to the archdeaconry of Cornwall which was made by John Tusser and Anne his wife, relict and administratrix of William Body, and the nomina-

tion to the precentorship of Exeter to another layman. In 1559 laymen presented to two canonries of Chichester by the grant of Bishop Richard Sampson (1536–43). In the entries of deprivations of parish priests from 1553 to 1556, a number are noted as ‘married clerks’, and in *The Marian Reaction* (1896) Dr. Frere, bishop of Truro, has concluded that it was the ground of most of the deprivations. Several occur in Cambridge college livings in the diocese of Ely, eight in the Marches of Calais, which were in the immediate jurisdiction of the archbishop of Canterbury. The introduction is very short, and an explanation should have been given of the words ‘according to form of Council of Lyons’ (pp. 65, 138) and ‘juxta tenorem constitutionis Bonifaciane’ (p. 37), with references to the Canon Law, Sect. I. vi, caps. 14 and 34. A note should have been made that in institutions in the diocese of Norwich, 1500–1, the words ‘taxed at’ refer to the taxation of Pope Nicholas, whereas in institutions in the diocese of Bath and Wells, 1503–4, the words refer only to procurations, e.g. Strumpshaw and Street (p. 123). R. G.

The latest volume of *The Calendar of the Court Minutes of the East India Company, 1664–7*, by Miss E. M. Sainsbury, with an Introduction and Notes by Sir William Foster (Oxford: Clarendon Press, 1925), contains not very much of general interest. Financially the period opened well for the Company, as it was able at the close of 1664 to distribute a very satisfactory dividend. Meanwhile the interminable negotiations with respect to the Company’s claims against the Dutch, under the treaty of 2 September 1662, were pursuing their course; the way not being made smoother by the arrogant and uncompromising tone adopted by the English ambassador at The Hague, Sir G. Downing. The outbreak of war put an end to these negotiations; and when, in July 1667, the peace of Breda was signed, it left Pulo Run and Dam in the hands of the Dutch and cancelled the claims for damages of both nations. Not much trade could be carried on during the time of war, and the attitude of the Company towards the political situation is well shown in their remark: ‘As to their private concerne as merchants, they must needs say that the worst of peace is better then the best warr.’ In December 1667 the Company obtained from the Crown the grant of Bombay. It was, at the time, not a very profitable possession; but there was the danger that it might be sold to some third party who might make himself troublesome to the Company; and the relations between the government and the Company were at the time very friendly. As early as 1664 we find that ‘some good thea’ was to be provided for the Company’s occasions; the price of 6 lb. of tea and one china jar of preserved nutmegs being as much as £15 10s. H. E. E.

A melancholy interest attaches to the *Φεουδαλική Πολιτεία ἐν τῇ Νήσῳ Νάξῳ* (Hermoupolis: Phrères, 1925) of Perikles G. Zerlentes, the solitary scholar of Syra, because he died soon after its publication, after a long life devoted to research into the Frankish and Turkish history of the Archipelago. Following on the ducal letters noticed in this Review,¹ the author showed

¹ *Ann.*, xxxix. 606.

in this learned study how the feudal usages, introduced by the dukes of Naxos, continued during the Turkish times, in some cases even as late as 1818, when the seignorial privileges of the French family of Lastic were abolished by the Turkish government, in general more favourable to the Greek peasantry of the islands than were their Latin landlords, whose special protector was the French ambassador at Constantinople. The author based his treatise upon numerous unpublished documents, ranging from 1445 to 1818, which fill more than half of it and are a mine of linguistic and topographical, as well as historical, information about Naxos. He also availed himself of Lichtle's manuscript 'Description de Naxie', of which Kremos published a Greek version in the 'Ἀπόλλων' of the Piraeus in 1891-2 and of which there is a copy in Hopf's papers, and he used the rare monograph by Markopolis, his own 'Notes from the book of the Capuchins in Naxos', and Mr. Fotheringham's scholarly study of Marco Sanudo. Of special interest are the documents relating to the village of Philoteion, then the property of the Barozzi. The quotations from these sources give a grim account of the feudal and spiritual tyranny of these petty lords, against which the peasants often complained to Constantinople, and in 1670, 1687, and 1719 rose in rebellion. This Naxian agrarian struggle found leaders and martyrs in Kokkos, the hero of Markopolis's pamphlet, murdered in 1687 and avenged by his son's murder of the French consul, Coronello, and in Polites, strangled in the castle of Mytilene in 1800. Until recently a lamp was kept burning on the spot where Kokkos fell. Among other perquisites of the landlords was the famous Naxian emery, which they sold to the English. The book shows why the Latins, with rare exceptions, were not popular in the Levant, but it shows too how durable their social institutions were in the Archipelago. In the interest of historical research, it is to be hoped that the unpublished papers, which the author is understood to have left behind him, will not be dispersed, but will find a permanent home in some Athenian library.

W. M.

The Hakluyt Society is continuing (somewhat tardily, but this is unavoidable) its series of translations of the books of Pedro de Cieza de León on the Civil Wars of Peru. Now we have (in series ii, vol. iv, 1923) *The War of Las Salinas* translated (how long ago one wonders?) by the late Sir Clements Markham. The translation has all the persistent vivacity of that enthusiastic writer; and he was, of course, as good a geographer as he was historian. The dates covered by this volume, on the so-called War of the Salt Pits, are 1529-50; but the story itself belongs to the years from 1535, when Lima, the city of the kings, was founded, to 1538, when the battle of the Salt Pits was fought. The tale is extremely dramatic, and none of the original vigour is lost in the translation. (It is curious that of the two Books, I and II, discovered not long ago at Madrid, Book II should have been published by the Hakluyt Society, as *The War of Chupas*, before Book I.) There are very few stories better told, more abundant of dramatic incident, or more graphic in description of character, than these of Cieza de León, who certainly shows himself, as Sir Clements Markham said, to be 'a credible witness and a responsible

narrator', and in that the superior to D. Alonso Henriquez de Guzman, whose autobiography was translated for the Hakluyt Society more than half a century ago. Pizarro's character comes, on the whole, well out of the story; and there are the human touches in it, of his playing bowls, like Drake, when grave news reaches him, and weeping, like Beaufort at Jeanne d'Arc's trial, when he hears of the execution of Almagro.

W. H. H.

The size of the book and the fact that the university of Oxford is mentioned in the publisher's imprint might give a false impression of the character of Miss Joan Parkes's *Travel in England in the Seventeenth Century* (London: Milford, 1925). It is really a popular book, a collection of extracts and summaries from a large number of contemporary printed sources illustrating everything that can be brought under this comprehensive title, but more to amuse the reader than to advance historical science. There are plenty of good stories to choose from, and Miss Parkes has chosen a good many of the best, making almost as readable a whole as can ever be made by this method of compiling. It was not her intention to make an analytical study like that of Avenel's suggestive little volume *L'Évolution des Moyens de Transport*, and it would not be fair to grumble at her for not doing so. Nor does it much matter for her purpose that there is a lack of finish in detail, especially in names, and that the indication of authorities, though clear enough for the most part, is intermittent. The book would have been better of its kind if it had kept less strictly to the exact chronological limits chosen for it.

G. N. C.

Volumes vii and viii of the late M. Edouard Rott's monumental work on the *Histoire de la Représentation Diplomatique de la France auprès des Cantons Suisses, de leurs Alliés et de leurs Confédérés*, published under the auspices of the Swiss Federal Archives (Bern: Staempfli, 1921 and 1923), embrace the most interesting period of 1663-84, during which the conquering policy of Louis XIV by the annexation of the Franche Comté and Strassburg touched Swiss interests in a very direct way. The mass of information brought together from the archives not only of Bern but of Paris and Venice, and only made less readable by the lack of any table of contents either at the beginning or at the close of the volumes, hardly adds anything of primary importance to the political picture of a time when the chief common feature of Swiss politics was the economic dependence of the cantons on the well-known system of mercenary service in the armies of both the great rival powers of Bourbon and Habsburg. But there is indeed, as the author points out himself, a considerable amount of new light thrown on the technical working of the French diplomatic service, which shows it to have been very far from the ideal traditionally bound up with the court and times of the *roi soleil*. If one sees (not without reason, it is true, in negotiating with a country mainly remarkable as the recruiting ground of Europe and as the possessor of its commanding thoroughfares) the militarist policy of Louvois constantly disturbing and crossing the official diplomacy of the French government, one need not think of more recent parallels to detect, even here, some of the elements

of the feudal imperialism which ended in the break-down of 1789. It is only fair to state that complete indexes, especially of matters and of personal names followed by biographical notes, make up for the lack of handiness indicated above.

C. B.

When the passing of the Test Act in 1673 obliged James, duke of York, to resign his office of lord high admiral, a new commission was nominated to succeed him. The minutes for the first six months, though extant in the Public Record Office, are not preserved at Magdalene College, and are therefore not included in *The Naval Manuscripts in the Pepysian Library*, vol. iv. *Admiralty Journal* (Navy Records Society, 1923), edited by Dr. J. R. Tanner. Thus the minutes here printed extend from 3 January 1674 to 21 April 1679. It is unfortunate that Dr. Tanner should restrict himself so rigidly to the papers of Pepys at Cambridge, and not calendar those in London and Oxford. Occasionally, too, a wider editorial outlook is desirable. Thus, although there are a score of references to the committee for foreign affairs, Dr. Tanner appears not to have consulted Williamson's minutes of its proceedings. Otherwise the volume is admirably edited, and the introduction is a model of comprehensiveness and lucidity. Nothing that is relevant or important seems to have escaped the editor's eye when discussing such topics as administration, finance, or victuals. An interesting financial question is whether or no the claim advanced on behalf of Danby is justified,¹ that during his lord treasurership he paid off the whole fleet and army raised for the Dutch war, and discharged the seamen with ready money and not with 'tickets'. It is obvious from this journal that the claim is absurd. Readers of Pepys's *Diary* will remember how often he complains of the king's inattention to business. In this respect a reformation took place, for Charles attended the meetings of the commission more often than any one else. On the other hand, his inability fully to trust any body of advisers is plainly shown by the minute of 31 January 1679, when the commissioners state that he issued 'most orders relating to the disposal of his fleets and ships at sea from under his own hand, without their privity'. When they sought information they were ordered to desist from their inquiries, which would be inconvenient 'by hazarding the too great exposal of the present ill condition' of the navy.

G. D.

The seventh volume of the *Calendar of the Stuart Papers at Windsor Castle* (London: Stationary Office, 1923) covers the six months 1 July to 31 December 1718. Important events in the history of Jacobitism took place within this period. They include the negotiations for the marriage of the titular James III with the Princess Clementina Sobieska and her detention at Innsbruck, the Spanish expedition to Sicily, the defeat of the Spanish fleet by Byng off Cape Passaro, and the adoption of the Jacobite cause by Spain. These episodes receive very unequal treatment in this volume. There are many documents relating to the Princess Clementina, and several important ones describing interviews between the duke of Ormonde and Alberoni at Madrid. There is nothing new at all, however,

¹ *Memoirs relating to the Impeachment of Thomas Earl of Danby*, 1710, p. 6.

about the naval encounter, beyond an accusation of treachery against Byng. It is announced in the introduction that both the calendaring, which has been completed in manuscript to April 1720, and the printing of the Stuart Papers have been indefinitely postponed. This decision is not surprising nor very regrettable. The amount of material possessing historical value contained in the seven volumes already published is very small indeed. When the publication is resumed, rigid compression is urgently necessary both in the text and index, which is here constructed on the lavish scale prevalent in post-war days for volumes paid for out of public funds. G. D.

The five hundred owners of this beautifully produced edition of *Reminiscences written by Mr. Horace Walpole in 1788 for the amusement of Miss Mary and Miss Agnes Berry* (Oxford, 1925) will be grateful to Mr. Paget Toynbee and the Clarendon Press for giving them, for the first time, not only the complete text of the *Reminiscences* but also Walpole's notes of his conversations with Lady Suffolk between 1759 and 1766. Lady Suffolk was a storehouse of historical bric-à-brac, and the notes are the lumber-room to which the collector of Strawberry Hill consigned his acquisitions from Marble Hill. Part he worked into the *Reminiscences*, but part he never found occasion to use—stories of the early adventures of Lord Peterborough, one of nature's musketeers, who was accused before he was nineteen of having committed treason, piracy, and rape, but pleaded guilty only to the first two; of Algernon Sidney's last supper and his last Plutarchian jest; of old Sergeant Maynard; of the third Lord Sunderland; and most attractive of all, the story of Gay and his mysterious fair unknown. The passages hitherto omitted from the *Reminiscences* do not compare in interest with the conversations; indeed their principal interest is that Walpole should have thought certain of them suitable for the perusal of his two charming young friends. For while one or two, like the allusion to the Princess Dowager and 'her silly paramour Lord Bute', were doubtless omitted on publication, as Mr. Toynbee suggests, out of consideration for the feelings of persons still living, the account of Queen Caroline's Rubens-like charms and Sir Robert Walpole's Rabelaisian pleasantry to her on her more intimate relations with the king was obviously suppressed by the Miss Berrys for the same reason which is still considered sufficient to prevent the publication of the complete text of, to take only one example, Walpole's letters themselves. R. R. S.

The biography *François Rever* by M. Léon Dubreuil (Paris: Champion, 1924) is a fully documented and well-balanced account of a Breton curé (1753–1828) who migrated to Normandy, became a deputy to the Legislative Assembly, slipped out of his cure of souls without struggle and without compulsion, fell back on educational work in which he had always been interested, and spent the rest of his life in teaching, the organization of education, and study. He created the *école centrale* of the department of the Eure. Napoleon destroyed it. So Rever gave his old age to archaeology, living, no longer a priest, yet a church-goer, in his old parsonage 'en parfaite intelligence avec son ancien vicaire'. (He had bought the

parsonage in the year IV, when church property was on the market.) He kept away from church in his latest years and there was trouble about the last sacraments and the funeral, into all of which his biographer has made careful inquiry.

J. H. C.

M. Eugène Forgues, who has already edited the memoirs of the Baron de Vitrolles, now completes the life of this personage of some importance under the Bourbon restoration with *Souvenirs Autobiographiques d'un Émigré* (Paris: Émile-Paul, 1924). Son of a councillor of the *parlement* of Aix-en-Provence, he left France with his family in 1789 at the age of fifteen, and soon after joined the 'Chevaliers de la Couronne' in Condé's army, with which he served four years, but of which he gives only a meagre account. At the age of twenty, he gave up a military career to marry Thérésia de Folleville, the adopted daughter of the duchesse de Bouillon, and live in dependence on this lady, by birth a princess of Hesse-Rheinfels, and her cousin Prince Emmanuel of Salm-Salm. Vitrolles succeeded in returning to France in 1800, after sending his wife to prepare the way for him. His recollections of his ten years of exile, like the majority of their kind, are written some forty years after the events they record. Their value as an historical document is negligible, but they contain a lively account of the society of the *émigrés* in Erfurt, Weimar, Hamburg, and other German towns, which does not conduce to admiration of their manners and customs.

M. A. P.

Memoirs or diaries inevitably lose some of their characteristic quality in the process of translation into a foreign tongue. In spite of the competence with which Mr. B. Miall has done his work, the *Memoirs of a Napoleonic Officer, Jean-Baptiste Barrès* (London: Allen and Unwin, 1925), which M. Maurice Barrès has edited, is no exception to this rule. Apart from the slight awkwardness with which Barrès wears his English dress, however, his 'itinerary', as he calls it, will prove of considerable interest to students of the Napoleonic and restoration periods in French history. Remaining in the French army after the fall of the empire, he did not finally retire on half-pay until 1835, and throughout the twenty years after the restoration of the Bourbons, he proved himself an intelligent observer of the social changes of the period. The most valuable of his recollections, however, are those concerning the July revolution, during which he was in close touch with events in Paris. Not the least interesting part of the book is the preface, written with all M. Maurice Barrès's accustomed skill.

H. M. L.

The third and final volume of M. Waliszewski's *Le Règne d'Alexandre I^{er}* (Paris: Plon, 1925) is scarcely up to the level of the two previous volumes. Despite difference of intention, it is impossible for English readers not to compare M. Waliszewski's treatment of foreign relations very unfavourably with that of Professor Webster and Mr. Temperley. Diplomatic history is perhaps particularly unsuited for allusive and *pointilliste* treatment, and it may be allowed that the author is more successful in his two chapters

¹ See *ante*, xxxix. 636, xl. 313.

on the social and intellectual life of Russia in the last eight years of Alexander's reign. The best chapters in the book are the two last, in which he abandons his usual methods and handles soundly the evidence on Alexander's death and on the legends of his survival. There is an index of proper names for all three volumes and a bibliography, which, though extensive, is almost a model of what a bibliography should not be. In general, M. Waliszewski's work on Alexander is useful for certain episodes and especially for the very full references to authorities, but it necessarily suffers as a whole from the fact that it seems to have been planned neither as a biography of Alexander nor as a real history of his reign : it contains many interesting sidelights, but the final result is somewhat disappointing.

B. H. S.

The first volume of the *Geschichte Hamburgs, 1814-1918*, by Dr. Ernst Baasch (Stuttgart : Gotha, 1924), covers the period down to the entry of Hamburg into the North German Confederation. It is written with abundant learning and very little art. As Hamburg was a sovereign state its necessarily timid diplomacy no doubt deserves attention ; but whether it deserves all the attention which it here receives may be doubted. Research in archives is a means, not an end : Herr Baasch regrets that circumstances, which have driven him from Hamburg, have not allowed him to exhaust the archives of the city : his readers may perhaps think that his book contains quite enough *archivalische* material as it is. Perhaps a reviewer's bias may explain a feeling of regret that the trade, which was the life, of Hamburg seems not to dominate the presentation as it should. It is not denied its place in the story ; but to non-Hamburgers it is the story. The section on 'geistige und kulturelle Leben' is little more than a list of names : the reader is not effectively led into either Life. But one list of names at least tells its own story, that of some families of foreign origin among the governing circles of the city, Godeffroy, Chapeaurouge, Parish, Sloman, Banks, Ross.

J. H. C.

Professor Carl Brinkmann's *Richard Cobden und das Manchestertum* (Berlin : Hobbing, 1924) forms one of the *Klassiker der Politik* series and contains, besides a biographical introduction of 21 pages, translations from selected works of Cobden, his *Russia* (1836) ; his Corn Law speech of 12 March 1844 ; and his speech on the Chinese war of 26 February 1857. To these are appended a translation of Bastiat's *L'État*, which first appeared in the *Journal des Débats* in 1848. No doubt this is fairly representative of continental *Manchestertum* ; but there might be something to be said for replacing it by Cobden's *Three Panics* if that were not too long for Dr. Brinkmann's plan. The introduction and the translations are of course workmanlike ; though every one might not agree with the selection from Cobden here offered to the German public.

J. H. C.

A special interest generally attaches to history written by those who have played a leading part in its making, and Colonel Monteil's little book *Quelques Feuilles de l'Histoire Coloniale : Les Rivalités Internationales* (Paris : Société d'Éditions Géographiques, Maritimes et Coloniales, 1924)

is assuredly no exception to the rule. It deals mainly with international rivalries in Africa ; and, considering the heat such rivalries created, it is written with singular moderation and impartiality. Colonel Monteil mentions one fact which, if it has not been already published, is of importance as showing the feelings of the Emperor William II towards England. In 1894 Monteil went on a mission to Berlin to settle the question of the boundary between the German Cameroons and the French possessions. The emperor was willing to assent to the French claims, provided that they were part ' of an offensive and defensive alliance against England in colonial matters '. The French envoys naturally explained that they had no authority to sign any such undertaking ; and an agreement was eventually reached without it. But the attempt was none the less significant. Colonel Monteil also furnishes evidence to show that the action of Italy with regard to Tripoli was precipitated by the discovery that the sultan of Turkey had undertaken to hand over that province to Germany.

H. E. E.

Professor Arrigo Solmi has written a popular handbook on *The Making of Modern Italy* (London : Benn, 1925), in no way differing from the already numerous books on the subject, except for the last chapter, which deals with the period from 1908 to 1918. Here he is on uncertain ground of which he has apparently no inside knowledge. For example, he ignores the financial interests which were so powerful a factor in the Libyan war of 1911 and the Sicilian influence then dominant at the consulta ; his description of ' the almost legendary deeds of the daring fleet ' pays no tribute to the unadvertised work of British ' drifters ', who swept the mines in the Adriatic, and his remarks on the Dalmatian question are vague and uncorroborated by statistics. But, as Mr. Arundell del Re says in his interesting introduction, ' few can . . . accept Italy at her own valuation.' The translation ' dug out ' in no way represents *imboscato* (p. 197), which means shirkers.

W. M.

Although Mr. Ll. Rodwell Jones and Mr. P. W. Bryan intend their *North America, an Historical, Economic, and Regional Geography* (London : Methuen, 1924), primarily for those who study geography as a separate science, parts of it will afford a useful geographical background for students of history. Unfortunately the section devoted to historical geography is too loose and sketchy to serve either class of students. Mr. Jones attempts to hang the settlement of the colonies on the supposed necessity of sailing-vessels to make the West Indies their first port of call from Europe, and then follow the Gulf Stream along the coast, in order to reach New England. As a matter of fact the normal course of Anglo-American trade for more than two centuries went in precisely the opposite direction. Ships took British manufactures by the direct route to the northern colonies or states, and proceeded southward to pick up tobacco, rice, or cotton ; or else carried northern corn and timber to the West Indies, before returning to England. The map of English settlements in 1700 omits important towns such as Plymouth, and in other respects is very inaccurate. The importance of the fall

line and the Appalachian barrier is appreciated ; but nothing is said of another principal geographic factor in American history, the low watershed between the Great Lakes and the Ohio valley. It is surprising to learn that there was 'almost no American navy' during the war of 1812 (p. 116). Apparently (p. 128), South Carolina, Georgia, and Florida remained faithful to the Union during the civil war ; and the capture of New Orleans was without significance. There was a battle at Fredericksburg, not Fredericton. No account is given of geographical factors in the settlement of the west, beyond Kentucky.

In the economic section, the most useful part of the book, there are good accounts of the corn, cotton, coal, iron, and oil industries ; but to the forests which once covered the better part of North America, only four references can be found in the index. The section on regional geography is very uneven. The Atlantic and Pacific states are adequately dealt with, and there is a good chapter on the western lowlands ; but the Gulf states, high plains, and Rocky Mountains are neglected. Only two references can be found in the index to Texas, a state larger than France, and almost as varied in topography and natural resources.

S. E. M.

The value of Mr. Hume Wrong's book, *Government of the West Indies* (Oxford : Clarendon Press, 1923), lies rather in its discussion of the modern political and constitutional issues in the islands than in any study of the precedent historical circumstances. Two hundred pages are insufficient to treat of the constitutional history of three centuries. The author disclaims any pretensions to embody the results of research in the scholarly sense, but he intends his work to serve the student of the constitutional history of the British Commonwealth with a brief account of an overlooked but highly important part of that history. He also wishes to provide an historical background for the politics of the West Indies in general, and it is in this latter field that his interest obviously lies, for in every connexion he devotes considerable space to the discussion of current questions and the examination of suggested remedies. The constitutional history of the British West Indies both before and after 1783 is, as the author claims, undoubtedly essential to a proper understanding both of the problems of the continental colonies and of the modern empire, but it abounds in obscurities, and it will demand the detailed labours of many investigators before sound generalizations can be reached. The narrow limitations of the space devoted to history and the cursoryness of Mr. Wrong's treatment seem to deprive his work of much value as a serious contribution. Lacking evidence, his conclusions are really little more than interesting suggestions.

A. P. N.

Few things are more notable in the modern world than the degree in which states formerly solicitous of avoiding all intercourse with others have been compelled by the pressure of circumstances to link themselves up with their neighbours. Lhasa, which not so long ago was the most secluded of capitals, is now linked to India by a telegraph line. Those desirous of understanding how so great a revolution has been accomplished

will do well to read Sir Charles Bell's late volume, *Tibet Past and Present* (Oxford : Clarendon Press, 1925). Its author is intimately acquainted with both country and people. He resided at Lhasa a twelvemonth in familiar intercourse with the Dalai Lama, at the head of a mission which had made its way to Lhasa, not by force, but at the express invitation of the Tibetan government itself. Perhaps the title of Sir Charles Bell's book is a little misleading. The sketch of early Tibetan history is of the shortest, and about two-thirds of the volume is concerned with the events that have occurred since the Younghusband mission. Of the policy of that mission Sir Charles Bell says little, though it is not hard to guess his general opinion. But most illuminating is his account of the attempted Chinese occupation, when monasteries were plundered, monks massacred, and the Tibetan scriptures used for soling the soldiers' boots. The Chinese sought, as they have always done in a conquered province, to impose their civilization as well as their government. This led to revolt against them and reconciliation with the government of India. 'And thus it has fallen out', Sir Charles Bell writes, 'that the white foreigner has spread over Asia, giving to her people something that they cannot give to each other.' The whole story is one of the most curious of the minor chapters of modern history; and Sir Charles Bell's version of it is to a great extent the story of an eyewitness or a personal actor, narrated with great modesty, and inspired with a tolerant wisdom that would have bettered more than one episode in our past Asiatic history had it been more in evidence.

H. D.

Mr. A. C. Stanley-Stone in *The Worshipful Company of Turners of London : its Origin and History* (London : Lindley-Jones, 1925) has brought together such material as is available for the history of his company. The turners in the middle ages were a humble body of craftsmen, and though they existed as a gild perhaps as early as 1310, when six of the craft were sworn to make only good measures, and before 1435 were organized under the government of their own wardens, there is little material for their history before the grant of their charter in 1605. In the list of the companies in 1531 given by Stow the turners appear as thirty-seventh with no clothing. It was not apparently till after the grant of the charter that they adopted a livery. The turners acquired in 1591 a hall in Philpot Lane, not far from Pudding Lane, which Stow describes as chiefly inhabited by turners and basketmakers. The oldest account book begins in 1593, but otherwise the extant records of the company go back no further than 1605. For the later history Mr. Stanley-Stone has made good use of the minute books, and the weaving of his material into his narrative is perhaps the best method which could be adopted in the history of a small company. Though the company has had no hall since 1766 and has never been of more than minor importance, its history was well worth telling, since the records of the lesser companies, if more obscure, are necessary for the full history of civic life. Mr. Stanley-Stone has given us a useful and sufficient account of his company, though it is a pity that on some points, such as the heraldry of the arms and on the meaning of 'orphanage money', he had not obtained expert assistance.

An appendix of nearly 100 pages gives copies of early documents from the letter books, the charter, and the later ordinances, together with a list of masters and wardens and other matter illustrative of the text. The volume shows a laudable zeal for the history of the company and sets an example which it may be hoped will be followed by others. C. L. K.

The City of Gloucester: its Royal Charters of Liberties and Varying Fortunes (Gloucester: 1924), by Mr. G. S. Blakeway, the city's town clerk, is, as regards the medieval period, one of those well-intentioned but unsatisfactory compilations in which the author's range of authorities is so much wider than his power to co-ordinate their statements as to become positively misleading. Instead of attempting to guide his readers over the difficult ground of early municipal history, Mr. Blakeway takes the easy way of giving a catena of quotations from the works he has consulted, old and new, sound and unsound, without an indication that Coote and Haverfield, Merewether and Stephens, and Maitland do not always see eye to eye. Even the wild story of the foundation of Gloucester by the Emperor Claudius and its naming after his son Glois, 'Duke of Wales and Earl of Gloucester', is only criticized as 'possibly' legend. When Mr. Blakeway gets down to modern times, his narrative is quite useful and includes interesting extracts from the town records. Even for the middle ages, the excellent facsimiles of the charters of Henry II and John and of the town seals form a redeeming feature. J. T.

The fourth volume published by the Dugdale Society, *The Records of King Edward's School, Birmingham*, vol. i, *The 'Miscellany' Volume*, with an introduction by Mr. William Fowler Carter (London: Milford, 1925), is in some sense a natural sequel to volume iii, which contained matter relating to monastic estates in Warwickshire. Volume iv contains the most ancient of the records owned by the governors of King Edward VI's School at Birmingham, preceded by an introduction containing some particulars of the documents and a lengthy study of the genealogy of the Marrow family, who acquired the manors of Birmingham and Berkswell. The documents themselves vary a good deal in interest. Apart from the matter of genealogical and local significance which is to be found in all of them, the most interesting are the Rental of Bordesley (1511-12), which is remarkable for the large number of freeholders which it shows, the list of gild and charity lands unsold in 1562, and the letters patent establishing Birmingham Grammar School. All information about old educational foundations is welcome, and it is to be hoped that the Dugdale Society will continue the publication of documents bearing on the history of a very famous school. R. H. T.

The Oxfordshire Record Society has published a volume of the *Churchwardens' Accounts of Marston, Spelsbury, Pyrton* (Oxford, 1925). The documents published in this volume consist of the churchwardens' accounts for Marston, edited by Mr. G. N. Clark, who includes a paper on *Open Fields and Inclosure at Marston*, already noticed in this Review,¹

¹ *Ante*, xxxix. 477.

and of the churchwardens' accounts for Spelsbury and Pyrton, edited by the Rev. F. W. Weaver, who is also responsible for the index. The accounts for Marston are printed from 1529 to 1571, with some later extracts, those for Spelsbury from 1525 to 1575, and those for Pyrton from 1548 to 1613.

As Mr. Clark observes in his introduction to the Marston accounts, churchwardens' accounts are rarely of more than local interest. But to the student who is interested in local government they offer instructive material, and these documents offer him a suggestive picture of the practical working of the parish in the sixteenth century. He will notice, among other things, the business done by the parish in owning flocks of sheep and letting them to its members, the administration of the common agricultural affairs of the village, the manner in which money is raised by various kinds of church ales, the expenditure on 'the maintenance of maimed soldiers', on hospitals, and on the relief of the poor, as well as the continually recurrent outlay on the repair of the fabric of the church. The demand of the Marston churchwardens for 'allowance for the fall of money ix s. viii d.' is an interesting illustration of the way in which even the humblest departments of national life felt the shock of the sixteenth-century revolution in prices.

R. H. T.

For his book *L'Hôtel de la Marine : le Monument et l'Histoire* (Paris : Plon, 1925) M. Martial de Pradel de Lamase has made an extensive use of manuscript sources, and a careful and interesting account of the famous building in the Place de la Concorde has been the result. Students of the history of Paris, and especially of Paris in the revolutionary period, will find the book useful.

H. M. L.

The authorities of Oslo University have planned a most impressive monument to the memory of the Norwegian historian, P. A. Munch, in the edition of his professional correspondence, *Lærde Brev fraa og til P. A. Munch* (Oslo : Aschehoug, 1924), the first volume of which has now been published. Two more volumes are promised, and, not content with this, the editors appeal in their preface for information as to further letters by or to Munch, to supplement a collection which some might consider more than adequate. For notes and index we are to wait until the appearance of the final volume, and we confess that we should have welcomed some of the former in closer juxtaposition to the passages to which they will refer. The book, nevertheless, provides a most interesting picture of a scientific historian at work, at a date when scientific treatment of Scandinavian history was rare, and a surprising amount of pioneer work remained to be done. It is with Munch's successful efforts for the improvement of this state of things that the present volume mostly deals. He was peculiarly fitted for the task to which he devoted himself. One is specially impressed by his characteristic Norwegian versatility. His correspondence shows that he could write almost faultlessly in English, French, or German; he had certainly some knowledge of Russian; the composition of a Latin introduction presented few terrors to him; while he was as deeply versed in Anglo-Saxon as in the ancient speech of his

own people. Besides possessing these linguistic qualifications he was a competent surveyor, who was able to do nearly as much for the geography of his country as he did for its history. In this volume his cartographical work is frequently mentioned, while his long letter of 18 July 1843 to a Frenchman, M. de la Roquette, gives a summary of the physical structure of Norway which it would be difficult to surpass. The fact, however, that it was necessary for a cartographer to rely upon the written reports and sketches of local amateurs (see pp. 82-5) shows the primitive state of the science at the time in Norway, and the same might almost be said of Norwegian history. The correspondence is full of complaints and criticisms of the work done by Munch's predecessors and contemporaries in this field. The regard which Munch seems to have entertained for the qualifications of that erratic archaeologist, George Stephens, to correspondence with whom much of the volume is devoted, seems also to indicate that the contemporary standard was not a high one. It will be interesting to see, in later volumes, whether Munch's opinion of Stephens remained unmodified. The effect of the whole book is to bring out how far Munch stood in advance of his time, both in respect of his wide erudition and the care which he devoted to minutiae. The letters written during the occurrence of the first Slesvig-Holstein crisis, in 1848, throw an interesting light on the political atmosphere of the time.

G. M. G.-H.

The volume of *Memorials of Albert Venn Dicey* (London : Macmillan, 1925) consists chiefly of extracts from the letters and diaries of the late Professor Dicey compiled by his friend Professor R. S. Rait. Dicey's reputation as a learned and constructive English lawyer will always stand high, for it is hardly an exaggeration to say that he, together with his friend Westlake, created the branch of English law known as the 'conflict of laws'. But he was genuinely modest in estimating his own achievement, and he never claimed undue prominence for the study of law as a technical science, believing, as he says in this book, that 'it is really not from changes in laws, but mainly from changes in opinion that alterations in society are wrought'. Law, indeed, he regarded as essentially one amongst other instruments of government, which could best be studied in the political setting to which it belongs. The deepest interest of his mind was in politics, and he made of them, as he said himself and as this book shows on almost every page, a 'kind of religion'. Moreover, in politics he was fascinated equally by the history of the past, and by the party issues of his own time ; indeed, it would hardly have occurred to him to separate the two as objects of his interests and study, for to him politics was no abstract science of general principles but simply the art of the righteous government of men in society. This book abounds in shrewd comments on men and affairs which form a welcome complement to Dicey's published works, comments which often suggest by a flash of insight some conclusion which the reader feels he has been trying to formulate for himself and which he at once recognizes as true ; for instance, that 'English judges seem incapable of recognizing a principle when once it is put into the form of an Act of Parliament. This has become to my mind the almost fatal objection to codification' ; or that 'the English Constitution is a machine

which for good or bad gives effect to the opinion of the governing class—now a wide electorate—more immediately than any other polity'. But it will also be valued, especially by those younger friends of Dicey to whom the deafness of his later years was a bar to complete understanding, for its revelation of a rarely simple and lovable character, fervent in its own convictions but never uncharitable to opponents, and preserving even in extreme old age all a young man's enthusiasm and zest in the problems of life.
J. L. B.

Dr. Sigfrid Steinberg has edited a work called *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen* (Leipzig: Meiner, 1925), the object of which is to present a view of the accomplishment of German historical research in recent times by means of autobiographical sketches of seven distinguished historians. Incidentally, it gives a lively and on the whole pleasing impression of university life; of the friendly intercourse among the members of the staff, and of the varied occupations of the students. The frequent change of habitat seems to be not undesirable for a German *Gelehrter*, especially if, as in the case of Dr. Alfons Dopsch, the task of *Quellenkritik* necessitates investigation of sources in widely separated regions. The importance of the *Seminar* for professors and students appears in several of the biographies. Two of the sketches are marked by what one must consider want of balance. In that of Dr. R. F. Kaindl the anti-Slav feeling of the writer (born in the Bukowina) is expressed with great heat. In the last—of Dr. Georg Steinhausen—the cause of *Kulturgeschichte* is asserted in a somewhat egotistic or perhaps propagandist fashion; for have not almost all the great historians written *Kulturgeschichte*, and was it left for modern exponents of that branch to enliven history by making it include the history of thought, feeling, and self-expression? Perhaps the most interesting contribution is that of Dr. Heinrich Finke. He, as some others whose work is recorded in this collection, astonishes us by his wide range of learning and his perpetual energy in seeking out new material and working it into accessible form. Furthermore we must admire the zeal which enabled these hard-headed archivists and teachers to keep up their hope for human culture in dark days, and never to despair of the republic of letters.
A. G.

CORRIGENDA FOR THE JANUARY AND JULY NUMBERS

- p. 33, l. 2, for hardly read already
- p. 112, l. 26, omit the first six words.
- p. 402, l. 18, for 1528 read 1258
- p. 491, l. 35, for Troyes read Tongres

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